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THE CHARTER OF THE CITY OF BELLINGHAM

WITH AMENDMENTS

Published by authority of the City Council
July 1910



PARKER PRINTING CO.
BELLINGHAM, WASH.

Bellingham, Wash. -- Charters

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THE CHARTER

GENERAL RIGHTS AND LIABILITIES.

Section 1. We, the people of the City of Bellingham, a city of the State of Washington, having a population of more than twenty thousand inhabitants, and being permitted by the constitution and laws of said state to frame a charter for the government of said city, do hereby publish and declare this to be the Charter of the City of Bellingham.

Sec. 2. The corporate name of the city is "The City of Bellingham," and by that name it shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits or proceedings whatsoever, and shall have and use a common seal, and alter the same at pleasure; may purchase, receive, hold, lease and enjoy property of every name, nature and description, within or without its corporate limits; control, mortgage, lease, sell or dispose of the same for the common benefit; may receive bequests, devises, gifts and donations of all kinds and classes of property, within and without the city, in fee simple, in trust or otherwise, for any and all purposes; and may do all acts necessary to carry out the purposes of such bequests, devises, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of such bequests, devises, gifts or donations, or absolutely, in case such bequests, devises, gifts or donations be unconditional; and may, in the manner provided by law, appropriate, enter upon and take any lands within or without its corporate limits, for any and all municipal purposes.

Sec. 3. The City of Bellingham shall be vested, within its limits, with authority to perform all public services, and with all governmental powers conferred by law upon cities of the first class, subject to the limitations prescribed by the constitution and laws of the State of Washington, except as otherwise provided in this Charter.

Sec. 4. All contracts of every description heretofore duly and legally made and entered into by the City of Bellingham, or by either of the municipalities heretofore forming any portion of the territory embraced therein, shall remain valid, and be binding upon this municipality to the extent only that they are now valid and binding upon the City of Bellingham, or upon any part of the territory composing the same.

Sec. 5. All public buildings, lands and property; all rights of property and rights of action; all moneys, revenues and income belonging or appertaining to the City of Bellingham, or any former municipality, the territory of which is now embraced within the City of Bellingham, are hereby declared to be vested in the City of Bellingham, and said city shall continue to have, hold and enjoy all public buildings, lands, wharves, waters, property of every name and nature, streets, alleys and other public places; rights of property, rights of action, suits, actions, moneys, revenue taxes, licenses, income, books, documents, records, archives, claims, demands and generally all things in possession and action of every nature and description, owned, possessed, held or en-

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joyed by the City of Bellingham, or any of said former municipalities, and shall be subject to all obligations, debts, liabilities and duties of the existing municipality.

BOUNDARIES AND WARD DIVISIONS.

Sec. 6. The corporate limits and boundaries of the City of Bellingham are as follows: Beginning at the northeast corner of the Edward Eldridge Donation Claim, said northeast corner being in Section 24, Township 38 North, Range 2 East of the Willamette Meridian; thence east to the north and south half section line of Section 24, Township 38 North, Range 2 East, W. M.; thence north to the center of Section 13, Township 38 North, Range 2 East, W. M.; thence east to the southeast corner of the northeast quarter of Section 16, Township 38 North, Range 3 East, W. M.; thence south three and one-fourth miles to a point eighty rods north of the township line between Townships 37 North, and 38 North, Range 3 East, W. M.; thence west one and one-half miles to a point due north of the center line of Section 5, Township 37 North, Range 3 East, W. M.; thence south on said center line to the center line of Section 17, Township 37 North, Range 3 East, W. M.; thence west on the center line of Section 17 and Section 18 in Township 37 North, Range 3 East, W. M., and of Section 13, Township 37 North, Range 2 East, W. M., until it intersects the shores of Chuckanut and Bellingham Bays; thence following the shores of Chuckanut and Bellingham Bays in a northerly direction to a point on the beach of Bellingham Bay on the west side or shore line of the Pattle Donation Claim, said point being midway between the east and west half of section line in Section 36, Township 38 North, Range 2 East, W. M., and the township line between Townships 38 North and 37 North, and which point is about eighty rods, more or less, north of said township line; thence west over the waters of Bellingham Bay to a point due south of the point where the northwesterly line of the Squalicum Creek Waterway intersects the outer harbor line; thence due north across the waters of Bellingham Bay to the junction of the outer harbor line and the northwesterly line of the Squalicum Creek Waterway; thence northeasterly along said northwesterly line of the Squalicum Creek Waterway to the northwest corner of said Squalicum Creek Waterway; thence north twenty-two degrees east to a point on the center line of the Marietta wagon road three hundred and thirteen feet west of the section line between Sections 23 and 24, Township 38 North, Range 2 East, W. M.; thence easterly along the center line of said wagon road 313 feet to said section line between Sections 23 and 24, Township 38 North, Range 2 East, W. M.; thence north to the north line of the Edward Eldridge Donation Claim thence due east along the north line of said donation claim to the point of beginning; said above description comprising all the territory included in the former cities of Whatcom and Fairhaven, now consolidated as the City of Bellingham, State of Washington.

Sec. 7. The City of Bellingham is hereby divided into six wards, as follows:

First Ward: The first ward shall include all that part of the city within the following boundaries, to-wit: Beginning at the northwest corner of the city limits of Bellingham, running thence east along the north boundary of the city limits to an intersection with the center line of Dock street produced; thence south along

the center of Dock street produced and Dock street to the center of "E" street; thence southwest along the center line of "E" street to its intersection with the west boundary line of the city; thence north along said west boundary line to its intersection with the northwest line of Squalicum Creek Waterway; thence northeasterly along the northwest line of the city limits to the place of beginning.

Second Ward: The second ward shall include all that part of the city within the following boundaries, to-wit: Beginning at the intersection of the center line of "E" street produced with the west boundary line of the city; thence along the center line of "E" street northeast to the center line of Dock street; thence north along the center line of Dock street and Dock street produced to the city limits; thence east along the north boundary of the city to the east line of the city; thence south along the east line of the city to the shore of Lake Whatcom; thence southwest along the shore of Lake Whatcom to the center of Whatcom Creek; thence along the center of Whatcom Creek in a general westerly direction to the center line of Dock street; thence southwest along the center line of Dock street to the center line of Willow street; thence northwest along the center line of Willow street to the center line of Champion street; thence west along the center line of Champion street to the center line of Commercial street (formerly Canoe street); thence along the center line of Commercial street produced, to the south boundary of the former city of Whatcom; thence west along the south boundary of the former city of Whatcom to the southwest corner thereof; thence north along the west boundary of the city to intersection with the center line of "E" street produced, being the place of beginning.

Third Ward: The third ward shall include all that part of the city within the following boundaries, to-wit: Commencing at the intersection of the center line of Dock street and Whatcom Creek; thence east and northeast with the center line of Whatcom Creek, following the meanderings thereof, to the source of Whatcom Creek; thence following the northwest shore line of Lake Whatcom to its intersection with the eastern boundary line of the city; thence south following the east boundary line of the city to an intersection with the center line of Whatcom street (formerly Chestnut street) produced; thence west along the center line of Whatcom street produced and Whatcom street to the intersection of the center line of Chestnut street; thence along the center line of Chestnut street northwest to an intersection with the center line of Commercial street; thence northeast along the center line of Commercial street to its intersection with the center line of Champion street; thence east along the center line of Champion street to its intersection with the center line of Willow street; thence along the center line of Willow street to the center line of Dock street; thence along the center line of Dock street to the place of beginning.

Fourth Ward: The fourth ward shall include all that part of the city within the following boundaries, to-wit: Commencing at the intersection of the center line of Chestnut and Commercial streets, thence southeast along the center line of Chestnut street to the center line of Whatcom street; thence east along the center line of Whatcom Street and Whatcom Street produced to the city limits; thence south along the east boundary

of the city to the southern boundary of the former City of Whatcom; thence west along the southern boundary of the former City of Whatcom to an intersection with the southeast line of the Bellingham Bay Land Company's Second Addition to Bellingham; thence southwesterly along the southeast line of the Bellingham Bay Land Company's Second Addition, to an intersection with the east line of Bryant Avenue; thence westerly along the east and northeast line of Bryant Avenue to an intersection with the western boundary line of the former city of Fairhaven; thence northerly along the said westerly boundary line of the former city of Fairhaven to the south boundary of the former city of Whatcom; thence west along the said boundary line to an intersection with the center line of Commercial street produced; thence along the center line of Commercial Street produced and Commercial Street to the place of beginning.

Fifth Ward: The fifth ward shall include all that part of the city within the following boundaries, to-wit: Beginning at the intersection of the center line of Mill avenue with the west boundary of the city of Bellingham; thence following the center line of Mill avenue and Mill avenue produced to the east boundary of the said city; thence north along the east boundary of the city to the north boundary of the former city of Fairhaven; thence following the north boundary of the former city of Fairhaven to an intersection with the southeast line of the Bellingham Bay Land Company's Second Addition; thence southwesterly along the southeast line of the Bellingham Bay Land Company's Second Addition to an intersection with the east line of Bryant avenue; thence westerly along the east and northeast line of Bryant avenue to an intersection with the western boundary of the former city of Fairhaven; thence in a southerly direction along the west boundary of the former city of Fairhaven to the place of beginning.

Sixth Ward: The sixth ward shall include all that part of the city within the following boundaries, to-wit: Beginning at the intersection of the center line of Mill avenue with the west boundary of the City of Bellingham; thence following Mill avenue and Mill avenue produced east to the east boundary of the city; thence along the said east boundary of the city south to the south boundary of the city; thence following the south boundary of the city west to the west boundary of the city; thence in a general northerly direction, following the west boundary of the city, to the place of beginning.

Sec. 8. The City Council shall have the power in the year 1905, and in every third year thereafter, to redistrict the city into wards, and also to create additional wards out of existing wards.

There shall never be more than fourteen, nor less than six wards at any time until the population of the city shall have reached one hundred thousand, as shown by the last federal census, and never other than an even number of wards. Provided, however, there shall never be more than one ward to each 3,000 of population, as shown by any official census last preceding. The wards shall be made as nearly equal in population and as geographically compact as possible, nor shall any ordinance redistricting the city into wards, or creating new wards out of old wards, take effect within sixty days preceding any election held in the city for municipal, county, district or state officers.

Sec. 9. Whenever any new territory is added to the city, the same shall be attached to, and be a part of, the ward adjoining thereto, and if such territory shall adjoin more than one ward, it shall be added to, and be a part of, the said ward adjoining thereto, which shall have cast the smallest vote at the regular municipal election last preceding such acquisition.

Sec. 10. The City Council shall, by ordinance, as often as may be necessary, divide each ward into two or more election precincts, so that each precinct shall contain, as nearly as may be, two hundred and fifty voters, and in such manner as will best subserve convenience in voting, and will conform to the general laws of the state; provided, that no alteration of such precinct shall take effect within sixty days next preceding any election held in the city for municipal, county, district or state officers.

OFFICERS AND ELECTIONS.

Sec. 11. The officers of the municipality shall be: A Mayor; one councilman from each ward, and one councilman from the city at large; a City Comptroller, who shall be ex-officio City Clerk; a City Treasurer; a City Attorney; a City Engineer; a Superintendent of Streets and Sewers; a Water Superintendent; a Health Officer; a Harbor Master; a Fire Chief; a Chief of Police; such policemen as may be provided by ordinance; a board of five Library Commissioners; three members of the Board of Health; five Commissioners of Parks; three Civil Service Commissioners; a Water Board consisting of five members; and a Board of Public Works, consisting of three members.

Sec. 12. The City Council shall have power, by ordinance passed by a three-fourths vote of the whole City Council, to authorize the appointment of regular or temporary deputy or assistant officers and clerks, who shall have such powers and receive such compensation as the City Council shall by ordinance prescribe; provided, however, such compensation shall not in any case exceed twelve hundred dollars per annum.

After such authorization by the City Council the City Comptroller, City Treasurer, and other heads of departments, shall appoint their said deputies, assistant officers and clerks, and shall be held responsible for their acts upon their official bonds. All such deputies, assistants and clerks, referred to in this section, shall hold office at the pleasure of the appointing power; provided, that the provisions of this section do not apply to the departments under civil service.

Sec. 13. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk or employee, receive any salary or compensation for any service of any kind, unless the same is specially provided for or authorized by law in this Charter.

Sec. 14. The following officers shall be elected by the electors of the City of Bellingham at large: The Mayor; the City Comptroller, the City Treasurer, the City Attorney, the Councilman at Large.

Sec. 15. The following officers shall be elected by the electors of the respective wards: One member of the City Council.

Sec. 16. The following officers of the City of Bellingham shall be appointed: The City Engineer; the Superintendent of Streets and Sewers; the Water Superintendent; the Fire Chief; the Harbor Master; the Chief of Police; the policemen; five

Library Commissioners; three members of the Board of Health; five Commissioners of Parks; one member of the Water Board; three Civil Service Commissioners; and such other officers as may be created under this Charter.

Sec. 17. The Mayor shall nominate, and with the consent of a majority of the City Council, appoint the following appointive officers: The City Engineer; the Superintendent of Streets and Sewers; the Water Superintendent; the Chief of Police; the Harbor Master; the Fire Chief; five Library Commissioners; three members of the Board of Health; five Commissioners of Parks; one member of the Water Board; three Civil Service Commissioners, and such other officers as may be created under this Charter.

Sec. 18. If the City Council shall refuse to confirm the first nomination of the Mayor for any appointive office, then the Mayor shall, within one week thereafter, nominate another person to fill the same office. If the City Council shall refuse to confirm the second nomination so made, then the Mayor shall appoint such officer without the consent or confirmation of the City Council, provided that the person so appointed shall not be either of those theretofore rejected.

Sec. 19. Final action on any nomination made by the Mayor shall be taken by the City Council not later than the second regular meeting after submission of the same by the Mayor to the City Council, and failure by the City Council to take such action on any nomination so made, within the time aforesaid, shall be deemed to be consent thereto on the part of the City Council.

Sec. 20. The Mayor shall appoint the members of the police force and other officers governed by civil service rules, subject to the provisions relating to civil service in this Charter.

Sec. 21. Every elective officer, and every appointive officer shall hold office until his successor is elected and qualified, except as otherwise in this Charter provided.

Sec. 22. The term of office of every appointive officer of the city, excepting those whose terms are specifically set forth elsewhere in this Charter, and excepting those officers subject to civil service, shall expire with the term of the Mayor appointing them.

QUALIFICATIONS.

Sec. 23. All elective officers of the city shall possess the following qualifications: They shall be citizens of the United States and of the City of Bellingham, and electors therein, and have such other qualifications as are prescribed in this Charter. Every such officer, unless otherwise provided in this Charter, shall have been a resident of the State of Washington for at least three years, and of the City of Bellingham for at least two years next previous to his election, and shall be able to read and write the English language. No one shall be eligible to any office who shall be interested, directly or indirectly, in any contract with the city, either for work to be performed, or material to be furnished. No person shall be eligible to or shall hold any office who shall have been, or shall be, convicted of malfeasance in office, bribery or other infamous crime, by the judgment of any court of competent jurisdiction. No person shall be eligible to hold the office of City Treasurer more than two terms in succession.

Sec. 24. Every officer of the city, before entering upon the

duties of his office, shall within twenty days after his election or appointment, take and subscribe an oath or affirmation, before some person authorized to administer oaths, that he possesses all of the qualifications prescribed for his office by this Charter; that he will support the constitution and laws of the United States, and of the State of Washington, and the Charter and ordinances of the City of Bellingham; that he is not interested, directly or indirectly, in any contract with the city, or with or for any department, institution, board, bureau, office, agent or employee thereof for the use of the city, or will become security for the performance of any contract, which oath shall be filed with the City Clerk, except the oath of the City Clerk, which shall be filed with the Mayor.

Sec. 25. Every officer of this city, when so required by law or ordinance, or under the provisions of this Charter, shall, before entering upon the duties of his office, and within twenty days after the City Council declares the result of the election, or within twenty days after his appointment, and before entering upon the duties of his office, execute a bond to the city, with good and sufficient sureties, either personal or surety company, in such penal sum as shall be required by this Charter, or by any ordinance or resolution of the City Council, or otherwise, conditioned for the faithful performance of his duties, and that he will pay over all moneys belonging to the city, received by him, as provided by law or by ordinance of this city. Reasonable fees for surety bonds may be paid by the city.

VACANCIES.

Sec. 26. An office becomes vacant upon the death; resignation of the incumbent; removal from office; upon the failure of any person elected or appointed to qualify or to enter upon his duties within the time limited by the Charter; absence from the city for thirty days without the consent of the City Council; open neglect or refusal to discharge his duties; upon an adjudication of insanity by a court of competent jurisdiction; by the habitual use of intoxicating liquors to excess; or of any permanent disability preventing the proper discharge of his duties. The office of Councilman shall also become vacant upon his removal from the ward from which he was elected.

Sec. 27. When a vacancy occurs in any elective office, the City Council shall, at its next regular meeting, proceed to elect, by ballot, a person to fill such vacancy, who shall possess the qualifications of the original incumbent; provided, that if any such vacancy shall not be filled within the time above limited, the City Council shall meet and ballot at least once each day until such vacancy shall have been filled. Persons so elected to fill vacancies in elective offices shall hold the same during the remainder of the unexpired terms. Persons elected to fill vacancies shall qualify within the same time after their election, and in the same manner, as prescribed for persons elected for the full term.

SUSPENSION.

Sec. 28. The Mayor shall have the power to suspend any appointive officer at any time, for a period not to exceed thirty days, but he shall, at the time of such suspension, file with the City Clerk a written statement of his reason therefor. He may at any time during such suspension file with the City Clerk

notice of his intention to remove the officer so suspended; and unless the City Council shall, at the next regular meeting thereafter, by a vote of two-thirds of the members thereof, declare against such removal, the Mayor may remove the officer designated in such notice, but the provisions of this section shall not apply to officers subject to the civil service.

Sec. 29. Whenever the Mayor shall remove any appointive officer, the vacancy for the unexpired term shall be filled by appointment in the same manner as in the case of an original appointment.

Sec. 30. Any elective officer, other than a member of the City Council, may be suspended by the Mayor, and removed for cause by the City Council, as hereinafter provided, and the Mayor shall temporarily fill the vacancy, except as hereinafter provided. Inability or willful failure of any elective officer properly to perform his duties, or the commission by him of a crime or misdemeanor involving moral turpitude, shall constitute such cause for removal. The City Council only shall have power to suspend or remove a member of that body.

Sec. 31. Whenever the Mayor shall suspend any elective officer, he shall immediately notify the City Council of such suspension, and the cause thereof, and shall forthwith call a meeting of the City Council, at which he shall present charges against such suspended officer. The accused shall be furnished with a copy of the charges, and shall have the right to appear with counsel and make his defense. The City Council shall speedily try such officer on such charge, and for that purpose shall have power to adjourn from time to time until the trial shall be completed, to summon and compel the presence of witnesses, to hear their testimony, to receive their evidence, and to hear the argument of counsel. In case of the suspension of a member of the City Council, by that body, the member so suspended shall be tried in like manner as herein provided for the trial of officers suspended by the Mayor, except that the charges may be preferred by any elector or member of the City Council. In either case, the Mayor shall preside at such trial, and, in his absence or disability, the Council shall elect a presiding officer. If two-thirds of the members of the City Council shall, by resolution, find the accused guilty, then the suspended officer shall thereby be removed from office. The successor of any member so removed, if elected by the City Council, shall be chosen from the same political party as the officer removed.

SALARIES.

Sec. 32. The salaries of the various officers of the city shall be paid monthly, and shall be in full payment for all services rendered by them. No officer shall receive any extra compensation for any additional services imposed upon him during his term of office. The salary of any officer shall not be increased or diminished after his election or appointment, or during his term of office. For the purpose of construing this section, each year's service of any officer or appointee, subject to civil service rules, when computed from the first day of the year, shall be considered a term.

Sec. 33. All elective officers provided by this Charter shall receive the following annual salaries:

Mayor, twelve hundred dollars; City Comptroller, fifteen hundred dollars; City Treasurer, fifteen hundred dollars; City At-

torney, eighteen hundred dollars; each Councilman, three hundred dollars.

A deduction of \$5.00 for each absence shall be made from the salary of each member of the City Council, who shall be absent from any regular meeting of the City Council. All salaries for any month shall be paid at the first regular meeting of the City Council in the succeeding month. Members of the Board of Public Works, as such, of the Board of Library Commissioners, Board of Health, Commissioners of Parks, and of Civil Service, and members of the Water Board shall receive no compensation for their services.

Sec. 34. The City Council shall fix by ordinance the annual salaries of all other officers and employes provided by this Charter, or of any employe that may be created by ordinance; provided, that such annual salaries shall never exceed the amounts following:

City Engineer, two thousand dollars.

Chief of Police, fifteen hundred dollars.

Captains of Police, nine hundred and sixty dollars.

Superintendent of Streets and Sewers, twelve hundred dollars.

Water Superintendent, twelve hundred dollars.

Fire Chief, twelve hundred dollars.

Health Officer, nine hundred dollars.

Harbormaster, one hundred and twenty dollars.

Policemen, seven hundred and eighty dollars for the first year of service; eight hundred and forty dollars for the second and third years of service, and nine hundred dollars thereafter.

And any other employe or agent not to exceed fifteen hundred dollars.

ELECTIONS.

Sec. 35. The first election of officers to serve under the provisions of this Charter shall be held at the time that this Charter shall be submitted to the legal voters of the City of Birmingham for ratification; and said first election shall in all respects conform to the provisions of section six of an act entitled "An act for the government of cities having a population of twenty thousand or more inhabitants, and declaring an emergency to exist," approved March 24, 1890.

Sec. 36. All officers elected at said first election, excepting Councilmen from the even numbered wards, as herein provided, shall hold office until the first Tuesday after the first Monday in January, 1906. The Councilmen from the even numbered wards shall hold office until the first Tuesday after the first Monday in January, 1907.

Sec. 37. On the first Tuesday following the first Monday in December, 1905, and biennially thereafter, there shall be held a general municipal election, and the term of office of every elective officer then elected, including the Councilmen from the odd numbered wards, shall then and thereafter be two years.

On the first Tuesday following the first Monday in December, 1906, and biennially thereafter, an election shall be held in the even numbered wards to elect the successors of the Councilmen in said wards, and then and thereafter the terms of office of the Councilmen in said wards shall be two years. All election provisions as found elsewhere in this Charter shall apply to elections in the said even numbered wards.

Sec. 38. Whenever any new wards shall be created, as provided in this Charter, the first Councilmen elected in the new

odd numbered wards shall hold office until the expiration of the terms in the odd numbered wards; and the first Councilmen elected in the new even numbered wards shall hold office until the expiration of the terms in the even numbered wards; and thereafter the terms of office of the Councilmen in new wards shall be two years.

Sec. 39. All officers elected on the first Tuesday following the first Monday in December, 1905, and all officers elected thereafter, shall take office on the first Tuesday after the first Monday in January next succeeding the date of their respective elections, and shall hold office for the term of two years thereafter.

Sec. 40. Special elections shall be held at such times and for such purposes as the City Council may, by ordinance, prescribe. At least thirty days' notice shall be given of the time, place and purpose of any special election, in such manner as shall be prescribed by the ordinance ordering the same, unless otherwise provided by law.

Sec. 41. The qualifications of voters at all elections shall be as provided in article six of the Constitution of the State of Washington and the laws of said state enacted in pursuance thereof, and not otherwise.

Sec. 42. At least twenty days prior to any election, the City Council shall designate one place of voting in each precinct, and shall appoint such judges and inspectors for each place of voting as may be required by the general laws of the state for state and county elections.

Sec. 43. At all elections, the vote shall be by ballot, and the polls shall be opened at nine o'clock a. m. and closed at seven o'clock p. m. The manner of conducting elections and voting thereat under this Charter, opening and closing the polls, keeping the poll list, canvassing the votes, declaring the result and certifying the returns, shall be the same as provided by the laws of this state for the state and county elections therein, except as otherwise provided in this Charter.

Sec. 44. The City Clerk, under the direction of the City Council, shall give at least ten days' notice, by posting at each voting place in the city, a notice of the time and place of holding each election, and the officers to be elected, or measure to be submitted, and in all cases notices shall be published, in the city official newspaper, for at least ten days preceding such election, of the time, place and purpose of such election.

Sec. 45. It shall be the duty of the City Clerk to cause to be made and delivered at each polling place, by the time fixed by law for opening of the polls, on the day of each election, all necessary books and lists required by the general law of the state for holding such elections.

Sec. 46. Immediately after the close of the polls, the judges and inspectors of election shall then and there, without removing the ballot box from the place where the ballots were cast, proceed to canvass all votes, and as soon as such canvass is completed, a return thereof shall be signed by the judges and inspectors, securely enveloped and sealed, and delivered to the City Clerk by one of their number, not more than twelve hours after the same are so sealed.

Sec. 47. On the first regular meeting after the election, the City Council shall proceed to canvass the returns of such election, and shall thereupon declare the result, and what persons are elected; and in case of a tie vote for any office, the City

Council shall decide, by lot, which person having the highest and equal number of votes shall be elected to such office. A statement of such canvass shall be made out and signed by the presiding officer of the City Council, entered in the minutes of the City Council, and filed with the City Clerk, who, within three days thereafter, shall make and cause to be delivered to each person elected a certificate of election.

Sec. 48. In case any person elected or appointed shall fail to qualify as provided in this Charter, his office shall, at the option of the City Council, be declared vacant.

Sec. 49. Whenever any question is to be submitted to the electors of the city, and the method of such submission is not specially provided by this Charter, or by general law, the same may be submitted at either a general or special election, and the method of submission shall be the same as provided in this Charter for general or special elections, as the case may be.

CIVIL SERVICE.

Sec. 50. The Mayor shall appoint three persons, who shall be devoted to the principles of civil service, and who shall constitute and be known as the Board of Civil Service Commissioners.

Sec. 51. The terms of the first appointees shall be one, two and three years respectively, from the 3d day of January, 1905, and each year thereafter the Mayor shall appoint one person as the successor of the commissioner whose term of office shall expire during the same year, to serve as such commissioner for three years.

Two commissioners shall constitute a quorum.

All appointments to said commission, whether original or to fill vacancies, shall be made by the Mayor, and shall be so made that not more than two members shall, at the same time, be members of the same political party. Appointments to fill vacancies shall be for the unexpired term. No commissioner shall hold any other office or public employment, nor shall he receive any compensation for his services.

Sec. 52. The Mayor may, in his discretion, remove any commissioner for incompetency, neglect of duty, or malfeasance in office, but he shall, within one week thereafter, report in writing any such removal to the City Council, with his reasons therefor.

Sec. 53. Said commissioners shall classify all the offices and places of employment mentioned in Section 61 of this Charter, with reference to the examinations herein provided for.

The offices and places so classified by the commission shall constitute the classified civil service of the said Board, and no appointment to any such offices or places shall be made except under and according to the rules contained in this Charter.

Sec. 54. Said commission shall make rules to carry out the purposes of this Charter relative to civil service, and for the examinations and appointments in accordance with the provisions of the same, and the commission may, from time to time, make changes in such rules.

Sec. 55. All rules made, as hereinbefore provided, and all changes therein, shall be printed for distribution by said Board.

Said rules shall be posted in the office of the City Clerk and the same shall be kept by him in his office for distribution.

No rule should go into effect until thirty days after the making and posting of the same.

Sec. 56. All applicants for offices and places of employment in said class in civil service shall be subject to examination, which shall be public, competitive and open to all citizens of the United States, who are citizens of the City of Bellingham, with specified limitations as to residence, sex, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed; and, when appropriate, shall include tests of physical qualifications, health and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, if it so desires, obtain the assistance of a suitable person, or number of persons, to aid it in preparing for and conducting such examinations.

Sec. 57. Notice of the time, place and general scope of every examination shall be given by the commission by publication at least once a week, for two weeks preceding such examination, in the official newspaper of the city, and such notice shall also be posted by said commission in a conspicuous place at the City Hall, in the office of the City Clerk, and also in its office, in case it have an office elsewhere, two weeks before such examination. Such further notice of examination shall be given as the commission may prescribe, by and with the consent of the City Council.

Sec. 58. From the examinations made by the commission, the commission shall prepare a register in each grade or class of positions in the classified civil service of the city, of the persons whose general average standing upon the examination for such grade or class is not less than the minimum fixed by the rule of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence, as determined by examination, without reference to priority of the date of examination.

Sec. 59. The commission shall, by its rules, provide for promotions in such classified civil service on the basis of ascertained merit and seniority in service and examinations, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination, and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Sec. 60. The head of a department in which a position classified under civil service is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the names and addresses of three persons standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing

officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him by said commission therefor. One of the candidates thus certified shall thereupon be appointed by said head of such department or officer, and be employed on probation for a period to be fixed by said rules, but said rules shall not fix such date at exceeding three months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained there on more than two years. At or before the expiration of the period of probation, the head of a department or office in which the candidate is employed, may discharge him upon assigning in writing his reasons therefor, to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may, by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointments, under the provisions of this Charter, relative to civil service, can be made.

Sec. 61. The provisions of this Charter relative to civil service shall apply to the following departments of the city only, to-wit:

The Police Department.

The Fire Department.

The Board of Public Works.

The Water Department.

All other departments of public utilities.

The provisions of this section shall not apply to any officers elected by the people, or the heads of any departments named in this Charter, or provided for therein, nor to any unskilled laborers employed by the day or month.

Sec. 62. No officer or employee in the classified civil service of this city, who shall have been appointed under said rules and after said examination, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the Civil Service Commission. The finding and decision of such commission shall be final, and shall be certified to the appointing officer or head of department in which the employee may be employed, and shall be forthwith enforced by such officer or head of department. Nothing in this Charter relative to civil service shall limit the power of any officer or head of department to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the commission shall have power to administer oaths, and shall have the power to secure by subpoenae both the attendance and testimony of the witnesses, and the production of books and papers relevant to such investigation for any cause.

Sec. 63. Immediate notice in writing shall be given by the appointing powers to said commission of all appointments, permanent or temporary, made in such classified civil service, and

of all transfers, promotions, resignations or vacancies from any cause in such civil service, and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said commission.

Sec. 64. The commission shall investigate the enforcement of the provisions of this Charter relating to civil service, and its rules, and the conduct and action of the appointees in the classified civil service of this city.

Sec. 65. Said commission shall make an annual report, within thirty days after the end of each year, to the Mayor for transmission to the City Council. The Mayor may require a special report from said commission at any time.

Sec. 66. The City Clerk shall be ex-officio secretary of the said commission, and it shall be his duty to keep minutes of its proceedings and a record of all examinations held under its direction, and to perform such other duties as the commission may prescribe.

Sec. 67. The City Council shall furnish said commissioners with suitable offices, and shall provide furniture, books, stationery, blanks, heat and light, and is authorized and required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out these provisions.

Sec. 68. No officer or other person shall wilfully or corruptly, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or wilfully or corruptly furnish to any person, any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, of being employed, appointed or promoted.

Sec. 69. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay, or promise to pay, any money or other valuable thing to any person whatever for, or on account of, his appointment, or proposed appointment, and no other officer or employee shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion.

Sec. 70. The commission shall file in the office of the City Clerk a certified statement of all appointments to offices or places in the classified civil service, or vacancies occurring therein, whether by dismissal, resignation or death, and all findings in cases of discharges from the classified civil service.

Sec. 71. No auditing officer or committee or the City Council shall approve or allow any demand for the salary or wages of any person subject to these provisions relating to civil service, for services as an officer or employee of said city, before the appointment of such person to the classified civil service, has been certified, nor after the commission shall have made and filed with the City Clerk a finding under the provisions relating to civil service that such person be discharged from the classified civil service.

Sec. 72. All officers and employees, who, at the time of the taking effect of this Charter, would be included in the classified civil service, and who shall have been continuously in the service

of the city for a period of three years prior to the adoption of this Charter, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employees who, at the time of the taking effect of this Charter, would be included in the classified civil service, but who have been in the service of the city for a period of less than three years, shall, during the period of nine months from and after the taking effect of this Charter, be deemed to be serving under probation, and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided.

Sec. 73. The City Council may, by ordinance, extend the civil service to any department of the city which it may deem proper.

Sec. 74. The City Council of the City of Bellingham, shall have the power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this Charter relating to civil service.

LEGISLATIVE DEPARTMENT.

Sec. 75. The legislative powers of the City of Bellingham shall be vested in a Mayor and City Council, who shall have such powers as are provided for by this Charter; but the power to propose for themselves any ordinance dealing with any matter within the realm of local affairs or municipal business, and to enact or reject the same at the polls, independent of the Mayor and City Council, is also reserved by the people of the City of Bellingham, and provision made for the exercise of such reserved power; and there is further reserved by and provision made for the exercise by the people of Bellingham of the power, at their own option, to require submission to the vote of the qualified electors, and thereby to approve or reject at the polls any ordinance, or any section, item or part of any ordinance dealing with any matter within the realm of local affairs or municipal business, which may have passed the City Council and Mayor, acting in the usual prescribed manner as the ordinary legislative authority.

The first power reserved by the people is the initiative and referendum. It may be exercised on petition of a number of qualified voters equal to not less than twenty (20) per cent of the total number of votes cast for the office of Mayor at the last preceding municipal election, proposing and asking the enactment as an ordinance of a bill or measure, the full text of which shall be included in the petition. Any initiative petition shall be filed with the City Comptroller, who shall verify the sufficiency of the signatures to the petition, and transmit it, together with his report thereon, to the City Council at a regular meeting not more than twenty days after the filing of the petition and such transmission shall be the introduction of the initiative bill or measure in the City Council. If the Comptroller shall find any petition to be insufficient in signatures, he shall notify the principal petitioners, and an additional twenty (20) days shall be allowed them in which to complete such petition to the required percentage. Its consideration shall take precedence over all other business before the City Council except appropriation bills and emergency measures necessary for the immediate preservation of the public peace, health or safety. The City Council may enact, or reject, any initiative bill or

measure, but it shall not amend or modify the same. It may, however, after rejection of any initiative bill or measure, propose and pass a different one dealing with the same subject. If the City Council shall have rejected any initiative measure, or shall during thirty days after receipt thereof have failed to take final action thereon, or shall have passed a different measure dealing with the same subject, the said rejected initiative measure and such different measure dealing with the same subject, if any has been passed, shall be taken in charge by the City Comptroller and submitted to the qualified electors for approval or rejection at the next regular election; but the City Council may in its discretion provide for a special election at which the vote shall be taken. And if the initiative petition in any case shall be signed by a number of qualified voters equal to not less than twenty (20) per cent of the total number of votes cast for the office of Mayor at the last preceding municipal election, or shall at any time be strengthened in qualified signatures up to said percentage, then the City Council shall provide for a special election upon said subject, to be held within forty days from the proof of sufficiency of the percentage of signatures. Official publication shall be made, notices of election given, and the manner and conduct of election, the preparation of the official ballots, the counting and canvassing of votes, and the certifying of the returns of the election, shall be done as is provided for the submission to the vote of the people of amendments to the City Charter. Any measure thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance of the City of Bellingham, and be in full force and effect from and after proclamation by the Mayor, which shall be made, and published in the city official newspaper, within five days after election. In case the City Council shall, after rejection of the initiative measure, have passed a different measure dealing with the same subject, it shall be submitted at the same election with the initiative measure and the vote of the qualified electors also taken for or against the same, and if both such measures be approved by a majority vote, if they be conflicting in any particular, then the one receiving the highest number of affirmative votes shall thereby be adopted and the other shall be considered as rejected.

The second power reserved by the people is the simple referendum, and it may be exercised and ordered (except as to ordinances necessary for the immediate preservation of the public peace, health or safety), as to any ordinance which has passed the City Council and Mayor (acting in their usual prescribed manner as the ordinary legislative authority of the city), either upon a petition signed by a number of qualified voters equal to more than eight (8) per cent of the total number of votes cast for the office of Mayor at the last preceding municipal election, or by the City Council itself without petition. When an emergency exists in which it is necessary for the immediate preservation of the public peace, health or safety that an ordinance shall become effective without delay, such emergency and necessity and the facts creating the same shall be stated in one section of the bill, and it shall not become an ordinance unless on its final passage by the City Council at least three-fourths of all the members elected vote in its favor (the vote being taken by yeas and nays, and the names of those voting for and against being entered in the journal), and it shall have

been approved by the Mayor, whereupon it shall be officially published and of full force and effect. The referendum may be invoked by petition bearing the signatures of the required percentage of qualified voters as to any non-emergency law or ordinance, or any section, item or part of any such law or ordinance, which petition shall be filed with the City Comptroller before the day fixed for the taking effect of the said law or ordinance, which shall in no case be less than thirty (30) days after the final favorable action thereon by the Mayor and City Council, acting in their usual prescribed manner as the ordinary legislative authority of the city, and the filing of such referendum petition as to any such ordinance or section, item or part thereof shall operate to suspend the taking effect of the same, or any further action thereon; except as hereinafter provided, viz: The City Comptroller shall verify the sufficiency of the signatures to the petition and transmit it, together with his report thereon, to the City Council at a regular meeting not less than twenty (20) days after the filing of the petition. The City Council shall thereupon provide for submitting the said ordinance or section, item or part thereof to the vote of the qualified electors for ratification or rejection, either at the next regular municipal election, or at a special election as the City Council in its discretion may provide. Official publication shall be made, notices of election given, and the manner and conduct of election, the preparation of the official ballots, the counting and canvassing of the votes, and the certifying of the returns of the election, shall be done substantially as provided in the case of submission to vote of the people of amendments to the City Charter. If the ordinance thus submitted to the referendum shall receive in its favor a majority of all the votes cast for and against the same, it shall be in full force and effect from and after proclamation by the Mayor, which shall be made, and published in the city official newspaper, within five days after the election. Provided, however, that if the ordinance itself shall designate a subsequent date for taking effect the proclamation shall name the said date as the time for taking effect. If the ordinance shall fail to receive the majority vote in its favor it shall be considered as rejected and shall be of no force or effect.

Provisions of this Charter, insofar as they are in conflict with the provisions of this section, are hereby superseded.

Sec. 76. Except as otherwise provided in this Charter, the City Council shall consist of one member from each ward of the city, and one member elected from the city at large.

Sec. 77. The City Council shall: 1st. Annually, at its first regular session, and also whenever a vacancy occurs, elect from its members its President, who shall, in the absence or disability of the Mayor, perform the usual functions of a presiding officer, and who shall have the same right to vote and participate in the arguments and deliberations as other members of the City Council; and at any time when the Mayor and President are both absent, may choose a President pro tempore, who shall act during such absence. 2nd. Establish rules for its procedure. 3rd. Keep a journal of its proceedings and allow such proceedings to be published, and take the ayes and nays on any question, on demand of two members, and enter the same in the journal. 4th. Have authority to punish its members, and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its pres-

ence any member by an affirmative vote of five-sevenths of its members, specifying in the order of expulsion the cause thereof. 5th. Have authority to create and use committees of its members in order to discharge and facilitate its legislative functions. Provided, that no committee of the City Council, and no part of any committee nor member thereof, shall have and exercise executive or administrative power, except as otherwise expressly provided in this Charter. 6th. Have power to compel the attendance of witnesses, as well as the production of papers and things pertaining to business before it, or before any of its committees. Any police officer may serve process therefor.

Sec. 78. At eight o'clock p. m. of the first Tuesday after the first Monday in January, following the annual municipal election, the City Council shall meet, at which time the newly elected Councilmen shall assume the duties of their office. The City Council shall meet at such other times as it may by ordinance or resolution determine; provided, it shall meet at least semi-monthly. All regular meetings and proceedings of said City Council shall be public. A majority of all members of the City Council elected shall constitute a quorum, but a less number may adjourn from day to day or until the time of the next regular meeting, and may compel the attendance of absent members in such manner and under such penalties as the City Council shall prescribe.

ORDINANCES.

Sec. 79. All legislative acts of the City Council shall be by ordinance or resolution. The subject of all such ordinances shall be clearly set forth in the title, and no ordinance or resolution shall contain more than one subject. The enacting clause of all ordinances shall be "The City of Bellingham does ordain." A majority vote of all members of the City Council shall be sufficient to adopt any ordinance, resolution or motion, except as otherwise provided in this Charter. Every ordinance, resolution or proceeding of the City Council imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation may incur any debt or liability, and every ordinance or resolution, except resolutions making removals from office, and excepting ordinances or resolutions for the payment of salaries, which may have passed the City Council, shall, before it takes effect and within two days after its passage, be presented by the City Clerk to the Mayor. If the Mayor approve thereof, he shall thereupon write his approval, with the date thereof, and sign the same, and thereupon such ordinance, resolution or proceeding shall go into effect after its publication, as in this Charter provided; and such as he shall not approve and sign he shall return to the City Council with his objections thereto in writing. If the Mayor shall neglect to approve, as aforesaid, any ordinance, resolution or proceeding, or return the same, as aforesaid, to the City Council, with his objections in writing, within ten days, exclusive of Sundays and holidays, after the same shall have been presented to him by the City Clerk, as above provided, the same shall become a law in like manner as if he had approved the same. Upon the return, as aforesaid, of any ordinance, resolution or proceeding, unapproved and objected to, by the Mayor, the City Council shall proceed to reconsider the vote by which the same was passed. After such reconsideration, five-sevenths of the members voting in the affirmative

shall pass the same over the Mayor's veto, except as otherwise provided in this Charter, which vote shall be taken by a call of the yeas and nays.

Sec. 80. In case an ordinance or resolution of the City Council shall appropriate money, the Mayor may approve one or more of the items in such ordinance or resolution, and disapprove the others. In such case those which he shall approve shall become effective, and those which he shall disapprove shall become effective only if again passed as provided herein.

Sec. 81. Every ordinance, after its passage, shall be recorded in a book kept for that purpose, which record shall be authenticated by the Mayor and City Clerk. Every ordinance shall be published in the city official newspaper within ten days after its passage and adoption, either by approval of the Mayor or over his veto, or failure to approve or veto, and every ordinance shall be in full force and effect five days after its publication.

Sec. 82. The City of Bellingham shall have power to alter, amend or repeal any ordinance or ordinances, or parts thereof. No ordinance, or section thereof, shall be revised or amended except by ordinance, which new ordinance shall contain the entire ordinance or sections as amended, nor shall the City Council, by resolution or amendment, except any person or corporation from the provisions or requirements of any ordinance, and the City Council shall, in every ordinance prohibiting or requiring any act or omission, impose a penalty for the violation thereof or non-compliance therewith.

Sec. 83. The City Council shall annually let all of the legal advertising to the lowest and best responsible bidder, who shall give bonds to the city in such sum as may be fixed and approved by the City Council, to perform the conditions of the contract, and all such legal advertising shall be done in the paper receiving the contract, such paper to be a daily, weekly, semi-weekly or tri-weekly newspaper printed in the City of Bellingham. Such paper receiving the contract shall be styled and be "The city official newspaper."

Sec. 84. No ordinance obligating the city for the payment of any sum exceeding one thousand dollars shall be passed before the second regular meeting of the City Council after its introduction.

No ordinance, other than ordinances providing for the appropriation of salaries or current expenses shall be passed at the meeting at which it is first introduced.

Sec. 85. No street, highway, avenue or alley or public grounds shall be vacated, except for public purposes, or for the purpose of replating, or to add in opening, widening or extending some street, highway, avenue or alley; provided, that the City Council may, in their discretion, and by at least a three-fourths vote of all the members of the City Council, and upon the approval of the Mayor, and in the manner provided by the laws of the State of Washington, vacate any street or alley for manufacturing, railroad and similar purposes; provided, however, that nothing herein contained shall affect the power of the City Council to make vacation of plats, or any part thereof, as provided by the laws of the State of Washington.

Sec. 86. The City Council shall not allow or permit the erection of any house, booth, building or stand, or like structure, in any street, avenue or alley within the limits of the city; provided, this section shall not apply to drinking fountains

and monuments.

Sec. 87. All appropriations of money shall be by ordinance, and no money shall be drawn from the treasury, except in pursuance of an appropriation; provided always, that where a fund has been created to be expended for a specific purpose, the same may be paid, as therein provided, by order of the City Council, or proper board or officer having charge of such specific fund.

Sec. 88. The City of Bellingham shall have power to provide for general and special elections for questions to be voted upon, and for the election of officers.

Sec. 89. To provide for the levy and collection of taxes on real and personal property for corporate uses and purposes; and to provide for the payment of the debts and expenses of the corporation.

Sec. 90. To control the finances and property of the corporation, and to acquire by purchase, gift or otherwise, such lands and other property as may be necessary for the corporate uses, and to dispose of any such property as the interests of the corporation may, from time to time, require. Provided, that no property which the city now owns, or may hereafter acquire for the purpose of establishing or maintaining a water supply system, or lighting system, for the city, shall be leased or sold, unless the question of such proposed lease or sale shall have been first submitted to the qualified electors of the city at a special or general election, and assented to by a majority of the electors voting on such question, except as otherwise provided in this Charter.

Sec. 91. To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor on such conditions and in such manner as prescribed in this Charter, or by law.

Sec. 92. To purchase and appropriate private property, within and without the corporate limits, for corporate uses, upon making just compensation to the owners thereof. To institute such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use, or to acquire such property for such use in such manner as in this Charter provided.

Sec. 93. To lay out, establish, alter, open, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys and avenues, sidewalks, wharves, parks, or other public grounds, and to regulate and control the use thereof, and to vacate such streets, alleys and avenues; and to authorize or prohibit the use of electricity at, in or upon said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so use, and to regulate the use thereof.

Sec. 94. To provide for erecting, purchasing, or otherwise acquiring water works, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or to authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied.

Sec. 95. To license, tax, regulate and control hawkers, peddlers, auctioneers, shows, theatricals, circuses and all other classes of business, not otherwise in this Charter provided for.

Sec. 96. The City Council shall have the power to license,

regulate or prohibit, the selling or giving away of malt, vinous, spirituous, fermented or other intoxicating liquors, and to revoke such licenses, when granted, to refuse to issue a license to any person to deal in intoxicating liquors. The City Council shall also have power to prescribe the limits within which the license for the sale of such liquors shall be granted. Provided, that no license to sell or give away intoxicating liquors shall be granted to any person or persons who shall not first have fully complied with the laws of the United States and the State of Washington in reference to the sale of such liquors. No license shall be granted for a longer term than one year from the date thereof.

The annual license for the sale of intoxicating liquors at retail shall be as follows:

During the time the number of saloons exceeds fifty (50) not less than \$600.00.

When the number of saloons shall be reduced to fifty (50) or less, not less than \$800.00.

When the number of saloons shall equal one for each 1,000 persons, not less than \$1,000.00.

The annual license for the sale of malt, vinous, spirituous, fermented or other intoxicating liquors at wholesale shall be not less than \$300.00.

Provided, that no license to sell intoxicating liquors at retail shall be granted to any applicant who is not at the time this Charter takes effect a holder of a license from said city, or the assignee of a holder of a license, until the number of saloons in said city shall not exceed one for each 1,000 persons residing in said city, said population to be ascertained by the school census upon the basis of five people to each person shown by said school census.

Provided further, that any license in force in the city at the time this Charter takes effect, or any license granted by reason of the existing license, may be transferred by and with the consent of the City Council, and all rights given herein to the holder of the license at the time this Charter takes effect, shall inure to the person or persons to whom the same may be transferred; and provided, further, that no retail license in excess of the number of such licenses in force at the time this Charter takes effect shall be granted until the population aforesaid is had, and no new license shall be granted to the holder of such license, holding either by original grant or assignment, unless application be made for such new license and the same be granted within three weeks from the date of the expiration of such original license.

Sec. 97. All applications for retail liquor licenses under this Charter shall be by written or printed petition to the City Council, which petition shall designate the place where such business shall be carried on; and, in addition thereto, shall contain a written permission of the owner of the premises. If the application presented to the City Council petitions to conduct a saloon for the sale of liquors in a new location, that is, in a location wherein no saloon is located at the time this Charter takes effect, then the application shall be accompanied with the written consent of the owners of at least one-half of the property in the block in which the place of business is to be located. Provided, if there is located in the block one or more saloons at the time the petition for a license at a new location is presented to the City Council, the said peti-

tion shall be signed by the owners of at least two-thirds of the property in said block. Provided, further, that the provisions of this section, which require the owners of at least one-half or two-thirds of the property in said block in which said place of business is to be located, to sign such petition, shall not apply to hotels containing fifty rooms or more. Provided further, that all applications for saloon licenses, after the number of saloons in the city shall only equal one to every one thousand persons, shall be accompanied by the written permission of the property owners, as provided in this section, regardless of whether or not the applicant is a holder of a license at the time this Charter takes effect.

The word "Block" as used in this section shall be understood to mean one side or end of a regularly platted block, The saloon shall be understood to be located in the block when its main entrance faces the street in front of said block and the street numbers are in accordance therewith.

Sec. 98. All boxes or booths in any saloon where liquors are sold or given away, shall be placed in the main bar room, and shall not be closed by any door, screen or curtain; and the entrance to said boxes or booths shall be on the side of the same which faces the center line of the main bar room, and if boxes or booths are permitted to be in a saloon, contrary to this section, the City Council shall revoke such license, and shall not renew the same.

Sec. 99. No female person shall be employed in any capacity in any saloon, beer hall, bar room, theater or place of amusement wherein intoxicating liquors are sold or given away as a beverage; and if any person, firm or corporation employs any female person, or participates in employing any female person in such capacity, or permits any female person to solicit, sell, give away or serve to customers any intoxicating liquors, the City Council shall revoke such license, and shall not renew the same.

Sec. 100. No application granting a saloon license shall be passed until the next regular meeting after the introduction of said application.

Sec. 101. No saloon shall be located nearer than three hundred (300) feet to any public library, public school or church.

Sec. 102. The City Council shall have the power to grant licenses for all other lawful purposes, and to fix, by ordinance, the amount to be paid therefor, and to provide for revoking the same.

Sec. 103. To provide for naming streets and numbering houses; for regulating and preventing the exhibition of banners, flags, signs and placards on or across streets or sidewalks; for regulating or suppressing public criers, advertising, ringing of bells, blowing of whistles or making of other noises.

Sec. 104. To regulate all parades and processions, and to determine what parades and processions upon the streets shall be unlawful, and to provide penalties therefor.

Sec. 105. To order an enumeration of the inhabitants of the city, and to provide the manner of taking such enumeration.

Sec. 106. To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Sec. 107. To determine what work shall be done or improvements made at the expenses, in whole or in part, of the

adjacent, adjoining, continuous or proximate property, or other property specially benefited thereby, and to provide for the manner of making and collecting assessment therefor; provided, however, that all such assessments shall be based upon the benefits accruing to said adjacent, adjoining, contiguous or proximate property, and no arbitrary assessment based upon front footage or value shall ever be had.

Sec. 108. To acquire, by purchase, or otherwise, lands for public parks within or without the limits of such city; and to improve the same; provided, however, no such purchase of lands for public parks, the cost of which shall exceed ten thousand dollars, shall ever be made without first submitting the proposition of such purchase to the voters of the City of Bellingham, and unless a majority of all votes cast at such election shall vote in favor of such purchase, the same shall not be made.

Sec. 109. To deepen, widen, dock, cover, wall, alter and change the channels of water ways and courses, and to provide for the construction and maintenance of all such work as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and to control and regulate the use thereof.

And for the purpose of building, construction and maintenance of such public wharves, docks, levees, slips and the like, the said city may levy a tax not to exceed two mills on the dollar of its assessed valuation, per annum, to create a fund for the building, improving and maintaining the same.

Sec. 110. To establish and regulate markets, and to provide for the weighing, measurement and inspection of all articles of food, fuel or drink offered for sale thereat; to provide penalties, to enforce the keeping of proper legal weights and measures by all vendors within the city, and to provide for the inspection of such weights and measures.

Sec. 111. To regulate and establish hospitals and pest houses; to control and erect the same; provided, however, that the city may enter into contracts with hospitals and charitable institutions for the care and treatment of indigent sick, children and others, who are unable to care for themselves, and may compensate such hospitals and institutions therefor.

Sec. 112. To erect work houses and jails, to control and regulate the same, and to provide for the working of the prisoners contained therein.

Sec. 113. To provide for the establishing and maintaining of reform schools for juvenile offenders.

Sec. 114. The City of Bellingham shall have the power to authorize or prohibit the construction, maintenance or operation of any railway operated, or to be operated, by steam, electricity, cable, horse or other power upon any streets, highways, alleys or public grounds of the city, subject to such restrictions as are contained in this Charter, and upon such conditions as the City Council may deem the public interests to require; and to prescribe and enforce the terms and conditions upon which the same may be constructed, maintained or operated.

To regulate the moving and operation, the time, the rate of speed, rates of fare, and make provisions for the protection of persons and property against injury from the use and operation of moving cars on railroads, and street railways, whether the same have been constructed before the adoption of this

charter, or afterwards.

Sec. 115. To provide for the establishment and maintenance of public libraries and to levy annually a tax for the support thereof, which libraries shall, under such regulations as may be prescribed by ordinance, be open for use by the public.

Sec. 116. To regulate the burial of the dead, and to establish, keep and regulate cemeteries within or without the corporate limits, and to acquire lands therefor, by purchase, condemnation or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit the establishment of any cemetery within two miles of the boundaries of the city.

Sec. 117. To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety, shall be carried on, and to regulate the management thereof, and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of the city, or within a distance of two miles beyond the boundaries thereof.

Sec. 118. To make regulations for the prevention of accident by fire; to provide fire engines and other apparatus necessary to extinguish fires, and to regulate and prohibit the keeping and storage of all combustible or explosive materials within the corporate limits of the city, or within one mile thereof, and to restrain and regulate or prohibit the use of fire works; to regulate and prohibit the erection and use of any steam boiler or boilers or electric plants or steam pipes or electric wires or any kind of power generator or any power reservoir or plant or conduits now known or hereafter to be invented.

Sec. 119. To establish fire limits and enlarge the same, as circumstances may require; to make all such regulations in the erection and maintenance of all buildings and other structures within the corporate limits, as the safety of persons and property may require; to cause all such places and buildings as may from any cause be in a dangerous condition, to be put in a safe condition, and to prohibit the erection of construction within such fire limits of any building or structure, or addition to any building or structure, unless such building, structure or addition to be constructed of such material as may conform to such rules and regulations and conditions as the City Council shall have provided; to provide for the removal of any building or structure, or any addition to any building or structure erected contrary to such provision, and to prohibit and regulate the removal of all structures and buildings within the city limits; and to regulate the manner in which stone, brick and other buildings, fences or party walls, shall be constructed and maintained.

Sec. 120. To require the owners of public halls, or other buildings, to provide suitable means of exit; to provide for the prevention and abatement of nuisances; for the cleaning and purification of water courses and canals; for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses, or dangerous to the health; to regulate, control and provide for the prevention of the defilement and pollution of all streams running into or through its corporate limits, and for a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is, or may be, taken, for a

distance of five miles beyond its source of supply; and to provide punishment for the violation of the same; to provide for the cleaning of areas, vaults and other places within the corporate limits, which may be kept so as to become offensive to the senses or dangerous to the health; and to make all such quarantine and other regulations as may be necessary for the preservation of the public health, and to remove all persons infected with any infectious or contagious disease, to some suitable place to be provided for that purpose.

Sec. 121. To declare what shall be a nuisance, and to provide for the abatement of the same, and for the punishment of any person, or any party who may create, continue, or suffer a nuisance to exist.

Sec. 122. To regulate or prohibit the carrying on within the corporate limits of the city, of occupations which are of such a nature as to affect the public health or good order of the city, or disturb the public peace, and which are not prohibited by law; and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Sec. 123. To restrain and provide for the punishment of vagrants, mendicants, prostitutes and other disorderly persons; to prohibit and provide for the suppression of houses of ill fame or prostitution, or places where smoking of opium is permitted, gambling houses, and other disorderly houses or places.

Sec. 124. To provide for the punishment of all disorderly conduct, and of all practices dangerous to the public safety or health, and make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial and punishment of all persons violating any ordinance of the city, but such punishment shall not in any case exceed the punishment provided by the laws of the State of Washington for misdemeanors.

Sec. 125. To restrain and prevent domestic and other animals from running at large, and to regulate or prohibit the driving of cattle or stock upon or over the streets or bridges within the city, or on any of them; and to license, tax, regulate and restrain the keeping of dogs within the city limits; and to authorize the distraining, impounding and sale of domestic and other animals for the penalty incurred, and costs of proceeding, and to authorize the destruction of dogs impounded for want of a license.

Sec. 126. To make all rules or regulations necessary or proper to carry into execution all powers vested by this Charter, or by law, in said city, or in any department or office thereof, unless otherwise provided in this Charter.

Sec. 127. To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof. Provided, that no contract for lights or lighting shall be let for a longer term than three years.

Sec. 128. To regulate the placing of all interior and exterior electric lighting and power wires, circuits and apparatus, and to make regulations for the prevention of danger to life and property from the use of such electric lighting or power wires,

circuits or apparatus.

Sec. 129. To provide for the supervision, by a competent electrician, of the placing of all such electric lighting or power wires, circuits and apparatus, and of the electric fire alarm system.

Sec. 130. To establish stands for hacks and other vehicles for hire, and regulate the charges for hacks and other vehicles carrying passengers, parcels or freight for hire, and to require the schedule of such charges to be posted in every such hack or other vehicle.

Sec. 131. By ordinance, to compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them, clear from dirt, signs, boxes, goods, wares, merchandise and obstructions.

Sec. 132. The City of Bellingham shall have and exercise all the powers and privileges conferred on cities of the first class by statute, except as in this Charter expressly limited.

FRANCHISES.

Sec. 133. The title of the City of Bellingham in and to all highways, bridges, avenues, streets, alleys, lanes, parks, and all other public places, and all property that it now owns, or may hereafter acquire, is hereby declared to be inalienable, except as otherwise provided in this Charter, but the city may sell any building or parcel of land owned by it, which may not be needed for public use. Such sale shall be made when authorized by ordinance, adopted by a vote of at least two-thirds of all of the members of the City Council and approved by the Mayor, and shall be made only at public auction. The City Council may, by ordinance, authorize the renting of any of such property not needed for public purposes for a term not exceeding five years, but no lease of any of such property shall be valid if made for a longer period than five years; provided, that this provision shall not apply to leases of public utilities purchased or taken over by the city at the expiration of any franchise, under and by virtue of the ordinance granting such franchise; and, provided further, that the same shall not apply to leases of wharves, or water front property, or to the property commonly known as the "Whatcom Falls mill property."

Sec. 134. The City Council may, subject to the limitations and conditions contained in this Charter, and not otherwise, grant by ordinance to persons or corporations, for a limited time, specific franchises or rights to use highways, avenues, streets, alleys, lanes, parks and other public places, either on, over, through, across or under the same, in the operation of street railroads, and other railroads, for the transmission of water, power, heat, gas, electricity and all other forms of force, heat or light; and shall have power to fix the rates to be charged by all persons and corporations operating such street railroads and other railroads, or furnishing water, power, heat, gas, electricity, telephone service and all other similar services; to prohibit or regulate the stringing of wires for electrical purposes over and above or under the streets or public places of the City of Bellingham; to require all electric wires and apparatus to be placed under ground, in a safe and proper manner; to require any and all poles erected for electrical or other purposes within the City of Bellingham to be removed; to lay down, own, lease, manage, operate or charge trackage for the use of street car tracks, over or under streets,

alleys or public places; and to license, impose and collect a toll on each street car operated within the City of Bellingham.

Sec. 135. Every such grant shall contain therein the nature, extent and duration of the same, which shall be specifically and definitely set forth, and no franchise or right shall pass by implication.

Sec 136. The power and right at all times to reasonably regulate in the public interest, the exercise of every franchise or right so granted, shall be vested in and remain in the City Council, and the City Council cannot be divested of said power and right.

Sec. 137. No exclusive franchise, right or valuable privilege shall be granted; nor shall any franchise, right or valuable privilege be granted for a term of more than thirty years from and after the date of the adoption of the ordinance containing such grant; provided, that when the grantee of any franchise, his or its successors or assigns, shall apply for a franchise to be used in connection with the original franchise held by such grantee, and such original franchise shall terminate within less than thirty years after such application, the franchise so applied for shall not be granted for any longer time than the unexpired term of the original franchise; and, provided further, that an original franchise for any railroad extending without the City of Bellingham to be operated by steam power only for the whole of the term thereof, may be granted for a term not exceeding forty years from and after the date of the adoption of the ordinance containing the grant thereof. No franchise shall be granted which shall not by its terms go into effect within one year after the grant thereof.

Sec. 138. The grantee of any franchise, right or valuable privilege, his or its successors or assigns, shall at all times have a known place of business in the City of Bellingham, and an authorized agent therein, upon whom process may be executed, and such grantee, his or its successors and assigns, shall file with the City Clerk of said city notice of the designation of such authorized agent at the time of his designation as such agent.

Sec. 139. No franchise, except for railroads operated by steam power and extending without the city limits, shall ever be granted to any person or corporation, except upon proper compensation to the City of Bellingham by way of a payment into the city treasury of a percentage of its annual gross receipts, which percentage shall in no case be less than one per centum of such annual gross receipts.

The City Council of the city shall make provision by ordinance for ascertaining accurately what the actual gross receipts of any such person or corporation may be per annum. This provision shall not be so construed as to exempt the grantee of any such franchise right or valuable privilege from any lawful taxation upon his or its property or franchise, nor from any licenses, charges or impositions thereon, not levied on account of such use, and every franchise granted under this Charter shall be taken and deemed as property.

Every grant of a franchise, right or valuable privilege which provides for the charging of rates, fares and charges, shall contain a provision fixing the maximum rate of fares, rates and charges which the grantee, his, its or their successors or assigns can charge or collect for services rendered

or performed by virtue of and during the life of such grant, and the operation of his or its plant or property thereunder; and said grant may also, or, in addition, provide that the Council reserve the right to thereafter, from time to time, change, alter, regulate and fix fares, rates or charges which the grantee, his, its or their successors or assigns can charge or collect thereunder during the life of such grant.

Sec. 140. Every grant of a franchise, right or valuable privilege, and every contract therefor, for or relating to any public utility which the city is or may be permitted to own and operate under the constitution and laws of this state, made or granted under the provisions of this Charter, shall provide that at the expiration thereof the city, at its election and upon the payment therefor of a fair valuation, to be determined in the manner provided in such grant or contract, may purchase and take over to itself the property and plant of the grantee, in its entirety, and which may be situated on, in, above or under the streets and public places, or any thereof, mentioned in this Charter relative to franchises, and used in connection with such grant; but in no case shall the value of the franchise so purchased or taken over, be considered or taken into account in fixing such valuation. Provided, however, that before the city shall exercise the authority to purchase and take over such plant or property, the question whether or not the city shall acquire or take over such plant and property shall first be submitted to the voters of the city, in accordance with, and subject to, the limitations contained in this Charter, at a special election, and shall receive three-fifths of all the votes cast at such election, called for that purpose only. Such election shall be held within two years of the termination of such grant. The City Council shall, in the ordinance calling such election, prescribe the form of ballot to be used thereat, and such election shall be held and conducted in accordance with the laws governing special elections in force at the time of the holding of the same.

Sec. 141. Every such grant shall in terms specify the method of arriving at the valuation therein provided for, and shall further provide that upon the payment by the city of such valuation, the plant and property so valued and paid for, shall become the property of the city by virtue of the grant and payment thereunder, and without the execution of any instrument of conveyance.

Sec. 142. If by virtue of the terms of any grant or franchise, any plant or property shall become the property of the City of Bellingham, the city shall have the power at the time of acquiring such plant or property, or at any time thereafter, either to operate the same on its own account, or to lease the same, or any part thereof, together with the franchise or right to use the highways, avenues, streets, lanes, alleys or other public places in connection therewith, for periods not exceeding twenty-five years at any one time, under such rules and regulations as it may prescribe, or the city may sell any such plant or property, together with the franchise or right to use the highways, avenues, streets, lanes, alleys and other public places for a period not exceeding twenty-five years, at any one time, under such rules and regulations as it may prescribe, to the highest bidder at public sale.

Sec. 143. Every franchise granted to any person or corporation to construct, maintain and operate railway and tram-

ways of every kind, shall provide that the grantee thereof, or his or its successors or assigns, shall, during the life of such franchise, plank, pave, repave, reconstruct, or otherwise improve or repair, or maintain in good condition, and in the manner directed by the City Council, or its proper officers, the whole or any portion of the streets along or over which said railways shall be constructed, lying between the rails of any track thereof, and extending one foot outside of such rails, and also on portions of the streets lying between any two tracks owned or operated by the same person or corporation.

Such franchise shall contain a provision, that in the event any street, or portion of a street or other public place used by such grantee, his or its representatives and successors, under such franchise, shall, during the life of the franchise, be abandoned by such grantee, his or its successors or assigns, such grantee, or his or its successors or assigns, shall forthwith be required to remove its tracks and other property therefrom, and at the time of such removal to restore, repair or reconstruct that portion of the street which under, his, or its, or their franchise, was to be kept in repair, so that the same shall conform to the general condition of such street at the time of such removal.

If any street or public place be abandoned, as aforesaid, that portion of the franchise under which said street or public place was used by the grantee, or his or its successors or assigns, shall thereafter be null and void, and shall be forfeited by such abandonment without any action on the part of the city.

Every franchise shall contain a provision that the grade of the streets, alleys or public places on which the same may be constructed, operated and maintained, shall be altered or changed by ordinance of the City Council, in such way or manner as the City Council may provide therein; and that the grantee thereof, his or its successor or assigns, shall change, alter, construct, improve, repair and maintain in condition, as aforesaid, its railway or tramway, at his, its or their own proper cost and expenses, so as to conform to the grade of such street, when so altered or changed.

Sec. 144. Every franchise for the use and employment of electricity shall provide that the grantee thereof, or his or its successors or assigns, shall furnish and make use of such means and appliances as will control and effectually contain the currents of such electricity in their proper channels so as to prevent injury to any person, or to the property, pipes and other structures belonging to the City of Bellingham, or to any person, firm or corporation within said city, and that such means and appliances shall be changed and improved from time to time as may be necessary to accomplish said purpose, and such means and appliances shall be so furnished and made use of at the expense and risk of the grantee of such franchise, or his or its successors or assigns.

Sec. 145. The City Council shall not grant a new franchise in lieu of any existing one until within two years of the expiration of such existing franchise.

Sec. 146. No franchise, right or valuable privilege shall be transferrable or assignable without the consent of the City Council given by ordinance. The grantee of any franchise, right or valuable privilege shall not consolidate or merge with any person, company or corporation, except by the consent of

three-fourths of the members of the City Council, as shown by a vote in which the ayes and nays shall be called and recorded in the minutes of the City Council. No grantee of any franchise, right, or valuable privilege, or his, their or its successors or assigns, shall enter into any agreement to prevent competition, or to prevent the reduction of the price of fares, rates, charges, service, commodity or thing furnished or sold by such grantee, or his, their or its successors or assigns.

Sec. 147. Before any grant of any franchise or right to use any highway, avenue, street, lane, alley or other public place, either on, above or below the surface of the same shall be made, the proposed specific grant shall be embodied in the form of an ordinance which shall contain all of the terms and conditions thereof, including the terms and conditions required by this Charter, to be made a part of every such grant, and all provisions as to rates, fares and charges, if any are to be charged thereunder; and such ordinance shall be filed in the office of the City Clerk, and a copy thereof submitted to the City Attorney.

It shall be the duty of the City Attorney to prepare an abstract of such ordinance and submit the same to the Mayor for his approval, or disapproval, within one week thereafter. Such abstract, after the approval of the same by the Mayor, shall be published in full at the expense of the applicant for such franchise or right at least once a week for not less than three successive weeks next before consideration of the same, in the official newspaper of the city; provided, that the publication of the whole of any such ordinance for the time, and in the manner aforesaid, shall be deemed sufficient compliance with this provision.

No ordinance for the grant of any franchise, right or valuable privilege, shall be considered until after the publication of the abstract thereof, or the whole of the same, as aforesaid, nor shall any such ordinance be put on its final passage before the next regular meeting of the City Council after the first consideration thereof.

No ordinance for the grant of any franchise, right or valuable privilege, shall be adopted at any session of the City Council, other than a regular session thereof. Every such ordinance shall require for its passage the affirmative vote of at least two-thirds of all of the members of the City Council as shown by the ayes and nays, and the approval of the Mayor, before it shall be valid for any purpose: but in case the Mayor should veto any such ordinance, it may be passed over such veto by a vote of three-fourths of all the members of the City Council as shown by the ayes and nays, and in such case the same shall have the same validity as if it had been approved by the Mayor.

No amendment to any franchise after the publication of the abstract thereof, as aforesaid, except amendments as to form, shall be valid, unless an abstract of the ordinance as amended shall be republished in like manner, and for like time, as the original abstract.

Sec. 148. Every grantee of any franchise, right or special privilege, within forty days after the adoption of the ordinance granting the same, shall file in the office of the City Clerk a written acceptance of the same, and a failure on the part of the grantee to file such written acceptance within the time specified, shall be deemed as an abandonment and a rejection

of the rights and privileges conferred, and the ordinance granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptance of all of the terms, conditions and restrictions contained in the ordinance granting the same, and in this Charter.

Sec. 149. At the time of an application for any franchise which may be granted under this Charter the grantee shall deposit with the City Clerk money, or a check therefor, certified by some bank approved by the City Council, in the amount of five hundred dollars, if the privilege is for one mile of streets or less, and for one thousand dollars, if the privilege is for more than one mile of streets.

The amount so deposited shall be held for one year as a guarantee of good faith by the applicant for said franchise, at the end of which time, if the grantee shall have complied with all of the requirements contained in said franchise, the said deposit shall be returned to him. If during said year the grantee shall at any time fail to comply with any requirement of said franchise, the said deposit shall be forfeited, and thereupon the same shall become the absolute property of the city: Provided, however, if the City Council shall reject said franchise, or if the said proposed franchise shall be amended in any manner except as to form, the applicant may, at his option, at the time said amendment or rejection is made, withdraw said franchise, and after said withdrawal the same shall not be further considered by the City Council, and the deposit made as aforesaid shall be returned to the applicant.

Sec. 150. Every grant of any franchise, right or valuable privilege, for the purpose of compelling compliance with the terms of the same, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, shall contain a provision to the effect that a failure to comply with any of the provisions or conditions therein, or any provisions, restrictions or limitations contained in this Charter, within sixty days after service of notice to comply with any such provisions, conditions, restrictions or limitations, made and served by order of the City Council, upon the grantee thereof, his or its successors or assigns, shall authorize the City Council to declare by ordinance an immediate forfeiture of such franchise, and the City Council may in such case declare and enforce such forfeiture. No such grant shall be valid unless the same contain the provisions of this section.

EXECUTIVE DEPARTMENT.

General.

Sec. 151. The executive power of the City of Bellingham shall be vested in a Mayor and Boards, Departments and such municipal officers and employees as may be prescribed by this Charter, or by ordinances not inconsistent with this Charter.

Sec. 152. Any duty not inconsistent with this Charter may be required by ordinance of any officer mentioned in this Charter.

Sec. 153. The official books and papers of all the officers mentioned in this Charter are city property, and shall be kept as such by such officers during their continuance in office, and then delivered to their successors; and such books and papers may be inspected at any time by any member of the City

Council, by the Mayor or by the public.

Sec. 154. All board and commissions created by this Charter, or which may be lawfully created hereafter, shall have power, and are hereby authorized, to pass and adopt such rules and regulations not inconsistent with this Charter and the ordinances of the city, and the laws of the State of Washington, as they may deem right and proper for the transaction of their business, and for the government of their respective departments; and shall have power to prescribe and enforce such penalties as they may deem proper for the infraction of such rules and regulations by the employees and appointees of their respective departments. No such board or commission shall exercise any legislative functions or powers.

Sec. 155. It shall be the duty of the chief officer of each of the departments to attend meetings of the City Council, or any of its committees, when specifically required by the City Council or any of its committees so to do; and to answer to the best of his ability such questions relative to the affairs of the city, under his management, as may be put to him by any member of the City Council, and for failure so to do such officer shall be subjected to such penalties as the City Council may, by ordinance, prescribe.

Sec. 156. No person shall at any time hold more than one office yielding pecuniary compensation under this Charter, or under the Mayor, City Council or any of the departments of the city.

Sec. 157. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks and employees appointed by him, and of any and each of them, and every official bond shall contain such a condition.

Sec. 158. Every board, department or officer may require of their or his deputies, clerks or employees, bonds of indemnity for the faithful performance of their duties.

Sec. 159. The departments, boards, commissioners and officers provided for in this Charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives belonging to the city, and in the possession or under the control of those respectively who are superseded in office under this Charter by such departments, boards, commissioners and officers.

Sec. 160. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the Police Department shall not be subject to such inspection and certification, unless permission be given by the Mayor.

Sec. 161. All appointments of officers, deputies and clerks to be made under any provisions of this Charter must be made in writing, and in duplicate, authenticated by the person or persons, board or officer making the same; one of such duplicates shall be filed with the City Clerk and the other filed with the Secretary of the Civil Service Commission, if the appointment is under civil service rules; otherwise it shall be retained on file in the office of the officer making the appointment.

Sec. 162. Any officer of the city, or of any department

thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kinds of materials or supplies than has actually been received, shall be deemed guilty of malfeasance, and shall be removed from office.

Sec. 163. No board, commission or any officer of the City of Bellingham, except as herein otherwise expressly provided, has power to contract any debt or assume any liability in any manner whatsoever by means of which the city may be called upon to pay any sum in excess of the amount specifically appropriated by the City Council for the use of such board, commission, officer or department under their charge, and all such indebtedness so contracted, and any such contracts entered into, shall be null and void.

Sec. 164. All city officers and employes, except the Mayor and members of the City Council, and except the members of the various boards and commissions, shall devote their entire time during business hours to the interests of the city, except when excused, as in this Charter provided.

Sec. 165. Women shall be eligible as members of the Park and Library Boards.

Sec. 166. The City Council shall have power, by ordinance, to provide for the retirement, with pay not to exceed ten dollars per month, of officers or men of the police force or fire department who have been permanently injured in the service, or who have become superannuated after twenty years' service.

Sec. 167. The City Council shall have power, and is hereby authorized, to assess upon each member of the Police or Fire Departments a sum to be deducted from the monthly pay of each member, not exceeding fifty cents per month; and the sum so fixed and deducted shall be paid into the city treasury, to the credit of the Police or Fire Department Relief Funds respectively, and shall be used exclusively to relieve members of the police and fire departments when sick or disabled from the performance of duty, for funeral expenses, relief of their families, in case of death, or for pensions when honorably retired from the police or fire departments.

Mayor.

Sec. 168. The chief executive officer of the city shall be the Mayor. He shall be at least twenty-five years of age, and shall have such other qualifications as are prescribed in this Charter.

Sec. 169. In case of inability or willful failure of the Mayor properly to perform his duties, or in case of the commission by him of a crime or misdemeanor involving moral turpitude, he may be removed from office by the City Council. The proceedings upon such removal shall be public, and the Mayor shall be given an opportunity to be heard in his defense in person or by counsel. Notice thereof, together with a copy of the charges against him, must be served upon him at least five days before the hearing, and an opportunity given him to be

present in person and with his counsel, and offer evidence in his own behalf, and to be heard by himself and counsel. In such proceedings for removal the City Council shall sit as a court of impeachment, and for that purpose shall have power to subpoenae and compel attendance of witnesses, as well as the production of papers and things pertinent to said inquiry, under such penalties as it may prescribe not inconsistent with this Charter. The President of the City Council shall preside at all such hearings, and it shall require the affirmative vote of five-sevenths of all the members of the City Council to remove the Mayor.

Sec. 170. The Mayor shall see that all the laws and ordinances in force in the city are faithfully executed, and shall direct and control all subordinate officers of the city, except in so far as such direction and control are by the provisions of this Charter reposed in some other officer or board, and shall maintain peace and good order in the city. He shall have power at all time, in any emergency, of which he shall be the judge, to assume command of the whole, or any part, of the police force of the city. In case of riot, tumult or violent disturbance of the public order, the Mayor shall have, as the exigency in his judgment may require, the right to assume control for the time being, of the public force, but before assuming such control he shall issue his proclamation to that effect, and it shall be the duty of the Chief of Police to execute orders promulgated by the Mayor for the suppression of such tumult and the restoration of order.

Sec. 171. The Mayor is empowered to call on every male inhabitant of the city over the age of eighteen years to aid in enforcing the laws and ordinances in force in the city; in preventing and extinguishing fires, and in preserving the peace and safety of the city. The City Council shall have power to enact an ordinance or ordinances providing for the punishment of any such person as the Mayor has a right to call upon, as aforesaid, for wilfully refusing or neglecting to obey any such order or call.

Sec. 172. In the absence of any express provision in this Charter as to the manner of electing or appointing any officer, the Mayor shall nominate, and, with the consent of the City Council, appoint such officer as is provided for herein, and any ordinance enacted in pursuance thereof.

Sec. 173. The Mayor shall exercise a careful supervision over the general affairs of the city and its subordinate officers. It shall be his duty from time to time to make such recommendations to the City Council as he may consider to be for the welfare of the city. At the first meeting of the City Council after the beginning of the fiscal year, he must communicate, by message, to the City Council a general statement of the conditions and affairs of the city, including a statement of the available assets in the budget of current expenses of the city.

Sec. 174. The Mayor shall preside over the City Council when in session, and shall have authority to preserve order, to enforce the rules of the City Council, and to determine the order of business, subject to such rules and subject to the right of appeal to the City Council. He may call extra sessions of the City Council, and shall do so upon written request of a majority of all the members of the City Council, by written notice delivered to each member at least three hours before the time specified for the proposed meeting, and shall com-

municate to them, in writing, when assembled, the objects for which they have been convened, and their actions at such session shall be confined to such objects; provided, however, that no ordinance shall be passed or contract let or entered into, or bill for the payment of money allowed, at such special meeting or at any adjournment thereof. He shall not be entitled to a vote in the deliberations of the City Council. He shall perform such other duties and exercise such other authority as may be prescribed by law or this Charter, or by any city ordinance not inconsistent therewith, or with any law of the United States, or of the State of Washington.

Sec. 175. Whenever he considers it advisable, the Mayor may call upon the heads of departments for such reports relating to the subject matter under their control and management as he may require of them, and it shall be their duty to prepare and submit the same at once to the Mayor. No contract requiring the payment of money shall go into force or be of any effect until approved by the Mayor, except as herein provided.

Sec. 176. The Mayor shall see that all contracts and agreements made with the city, or for its use and benefit, are faithfully kept and performed, and to this end he shall, by and with the consent of the City Council, and in the name of the city, cause any legal or equitable proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements with the city. And it is the duty of every officer of the city, when it shall come to his knowledge that any contract with the city relating to the business of any office has been violated by the other contracting party, forthwith to report the fact to the Mayor.

Sec. 177. The Mayor shall, unless in this charter otherwise provided, take and approve all official undertakings or bonds which may be required of any officer, employee or agent of the city, as security for the faithful performance of his duty; and he shall also, except as otherwise provided in this Charter, take and approve any such bonds or undertakings as may be required of any contractor for the faithful performance of his contract; and when he approves any bond or undertaking he must immediately file the same with the City Clerk, except the bond of the City Comptroller, which shall be kept by the Mayor.

Sec. 178. In case of the absence of the Mayor from the city, or if he from any cause be incapacitated from acting, the President, or in case of his disability or absence, the acting president of the City Council, shall act as Mayor, and for the time being exercise all his powers.

Sec. 179. There is hereby constituted a body to consist of the Mayor, President of the City Council, City Attorney, City Engineer, City Comptroller and City Treasurer, to be called the Advisory Board.

The Mayor shall, once in each quarter, and as much oftener as the interests of the city appear to him to require, call a meeting of such Advisory Board. Such meeting shall be for the purpose of comparing views, and consulting together with regard to affairs of the city, and shall have the power to make recommendations and suggestions to the City Council, and to the various other departments of the city government. The Mayor shall preside at all meetings of the Advisory Board, and the City Clerk shall act as the clerk thereof. All proceedings of the Advisory Board shall be kept on record in the office

of the City Clerk.

BOARD OF PUBLIC WORKS.

Sec. 180. There shall be, and is hereby created, a Board of Public Works, which shall consist of three members, to-wit: (1) The Mayor, who shall be chairman of the board; (2) City Engineer; (3) Superintendent of Streets and Sewers. The members of the Board, as such, shall receive no compensation.

Sec. 181. The City Clerk shall be ex-officio clerk of the Board of Public Works, and attend all meetings thereof. He shall keep a complete record of all proceedings of the board in a book kept for such purpose, and shall file and preserve all papers committed to his charge, and perform such other duties as the board may direct.

Sec. 182. The board shall hold regular meetings once each week, and special meetings at such time as it may appoint, or the chairman may call. All meetings shall be public, and shall be held at a place which is to be provided by the City Council. Two members shall constitute a quorum, and an affirmative vote of two members shall be necessary to adopt any motion, order or resolution, or to make any appointment.

Sec. 183. The board is hereby authorized and empowered, and it is hereby made its duty, subject to the provisions of the City Charter, and saving to the City Council such powers as are given to it in this Charter:

1st. To make such rules and regulations as shall be deemed necessary for its government, and the government and control of all persons in the employ of its several departments.

2nd. To certify all bills and allowances and claims due to contractors of public works, and officers and persons in the employ of the board, and of its several departments.

3rd. To have the management, control, building and repairing of the sewers of the city, and all connections therewith. It shall cause to be made, and cause to be repaired, such sewer connections as the Board of Health shall certify to it to be necessary for proper sanitation.

4th. To have the control, management, building, repairing and the direction of all wharves, docks, bridges, viaducts, landings, slips, boats and other structures, which shall be building or owned by the city.

5th. To have the management, control and construction of all public buildings or other structures owned or constructed by the city, except as otherwise provided in this Charter.

6th. To have the management and control of all the public streets and alleys in the city, including all streets and alleys dedicated to public use, and the superintendence of grading, paving, planking and cleaning the same, and of the building and reconstruction of sidewalks and gutters therein, and of the removal of garbage therefrom, and of making other improvements therein.

7th. To have the superintendence of all public places, structures and works within the city not above enumerated, except as otherwise provided in this Charter.

8th. To command, regulate, control and direct the erection and removal of poles in streets for telegraph, telephone and electric wires for electric light and power; to fix the place of location, and to control and direct the laying down of street railway tracks and turn-tables, and require all companies building and operating such roads to conform to the street grades

in all streets wherein the same are operated; to fix and regulate the places and manner of laying down and taking up all motor, gas, steam, sewer and other pipes in the streets and other places in the city.

9th. To have the superintendence, control and management of such building or buildings, plants and other apparatus as may be owned or controlled by the city for the purpose of furnishing light or power to the city and its inhabitants, or other consumers, and to locate and distribute the lights under any and all systems of lighting the city.

10th. To perform such other and further duties, and exercise such other and further powers, not inconsistent with this Charter, as may be prescribed by ordinance.

Sec. 184. There shall be a City Engineer and a Superintendent of Streets and Sewers, each of whom shall be appointed by the Mayor, or with the consent of the City Council, for the term of two years, except as otherwise herein provided.

Sec. 185. 1st. The City Engineer must be a civil engineer. It shall be his duty to make such surveys, maps, profiles, plans, specifications, estimates and reports as shall be required by the city; and under the direction of the Board, to lay out, direct and supervise the construction of all public works within the city, or on property belonging to, or controlled by the city, that may from time to time be ordered by the City Council.

2nd. The City Engineer shall, under the direction of the Board, superintend and have the management and control of the bridges, wharves, public buildings of the city, and of the construction and repair thereof. He shall be inspector of buildings. It shall be his duty to see that the ordinances and the rules and regulations established by the Board of Public Works, relating to his department are enforced. He shall, under civil service rules, have control of the employment of all labor, skilled or other, in his department. He shall have such other and additional powers as the City Council may, by ordinance, grant, and he shall perform such other duties as the City Council or Board of Public Works may, from time to time, prescribe or direct.

3rd. All plans, specifications, maps and estimates made by the City Engineer for public improvements shall be filed in his office, and be open to public inspection, but no plans, specification map or estimate made by him, or under his direction, for the use of the city, shall be removed from his office, and any person found having such document unlawfully in his possession, shall be deemed guilty of a misdemeanor.

4th. At the first meeting of the City Council created by this Charter, the Mayor shall appoint a City Engineer, whose term of office shall expire January 2nd, 1906, or when his successor shall have qualified.

Sec. 186. 1st. The Superintendent of Streets and Sewers shall, under direction of the Board, superintend the repairing, cleaning and reconstruction of the streets, gutters, sidewalks, sewers and drains in the city. He shall, subject to civil service rules, have the control of the employment of all laborers in his department. It shall be his duty to see that the ordinances of the city, and the rules and regulations established by the Board of Public Works relating to his department, are enforced. He shall, under the direction of the Board, have the control of all excavations and refilling of the same that are made in any pub-

lic street, for any purpose whatsoever. He shall have such further powers and duties as are provided in this Charter, or as the City Council may prescribe or direct.

2nd. At the first meeting of the City Council created by this charter, the Mayor shall appoint a Superintendent of Streets and Sewers, whose term of office shall expire January 1st, 1905, or when his successor shall have qualified.

Sec. 187. The term of office of the Superintendent of Streets and Sewers shall expire at the same time as that of the Councilmen from the even numbered wards, excepting that the first term shall be as hereinbefore specified.

Sec. 188. All local improvements, the funds for the making of which are directly or indirectly to be derived, in whole or in part, from assessments upon the property benefited thereby, and such improvements as the City Council shall, by ordinance, prescribe, shall be made by contract, to be let by the City Council to the lowest bidder therefor, who shall, after the filing and approval of required bonds, proceed with the improvement, under the management of the Board of Public Works. It shall be made a condition of every such contract that it shall not be sub-let, unless for the furnishing of material; provided, however, that the City Council may, by a two-thirds vote, by ordinance provide otherwise, as to any particular contract. All public improvements to be made by contract shall be let to the lowest bidder therefor. The Board of Public Works shall cause to be published in the official newspaper of the city a notice, for at least ten days before the letting of such contract, inviting sealed proposals for such work, the plans and specifications whereof must, at the time of the publication of such notice, be on file in the office of the secretary of the Board, subject to public inspection. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, sealed and filed with the secretary on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the City Comptroller, for a sum not less than five per cent. of the amount of the bid, and no bid shall be considered unless accompanied by such check.

At the time and place named, such bids shall be publicly opened and read. No bid shall be rejected for informality, but shall be received if what is meant thereby can be understood. The Board shall proceed to open and schedule said bids, which bids and schedule, with recommendations of the Board, shall be submitted to the city council at the next meeting thereof, at which time the city council shall accept the lowest bid, or reject all bids and direct the return of the checks to the bidders and may direct the Board of Public Works to call for new bids according to the original procedure. If the contract be let, then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract be entered into for making such improvement, between the bidder and the city, in accordance with such bid. If the said bidder fails to enter into such contract in accordance with his bid, within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the city, and the Secretary shall deliver said check to the City Comptroller, who shall draw said amount and pay the same into the city treasury, to the credit of the "local improvement fund," and the Board shall readvertise for proposals for such work. Neither the Board nor

City Council shall have power to remit such forfeiture.

Sec. 189. No work shall be done by the city or any department, officer or employee thereof, on any legal holiday or Sunday, by way of construction or extension of any public work, nor shall any work be done on any such days, or between seven o'clock p. m. of any day and six o'clock a. m. of the following day, by any corporation or other persons, by way of construction, extension or removal of any structure upon, over, under or along any street, alley, or other public place within the city, or under the control of the city, except in case of extraordinary emergency, and then only upon the written permit of the Mayor, wherein the fact of such emergency, and the nature thereof, shall be specified; and in case of violation of any provision of this section by any person or corporation owning, holding or claiming any franchise in, over, under or along such street, alley, or other public place, all his or its right, title and interest in such franchise shall thereby be forfeited, and instantly revert to the city. The Mayor shall be free in his discretion to grant or withhold such permit. And in no case shall any corporation or person be permitted to commence the construction of any street or other railroad, telegraph, telephone, gas pipe or electric light line in the city without first obtaining a permit therefor from the Board of Public Works.

Sec. 190. The Board of Public Works shall, from time to time, make such recommendation to the City Council relating to the extension or improvements of the sewerage system as said Board may deem proper.

Sec. 191. Said Board, subject to such control as the City Council shall by ordinance exercise, shall prescribe the location, form and materials to be used in the construction and repairs of all public sewers, manholes, sinks, cesspools and other appurtenances belonging to the sewerage system, and of every private sewer emptying into a public sewer, and determine the place and manner of location thereof, except as otherwise in this Charter provided.

Sec. 192. Before any public sewer shall be contracted for or built, its construction shall be ordered by the City Council, and the City Engineer, or any other person the City Council may designate, shall cause to be prepared the necessary estimates and plans for the work, and a profile showing the grades of the street and sewer, and the depth of such sewer below the surface of the street, and the height above the level established and used as a city datum, and when such sewer is completed, he shall cause a map to be prepared, showing the size and location of the manholes, basins and branches.

Sec. 193. No person shall connect with or open or penetrate any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of said Board, in reference thereto.

Sec. 194. Air, gas, steam or water above 140 degrees Fahrenheit in temperature, shall not be discharged into any public sewer, or into any private sewer or drain connecting with such public sewer, and the City Council shall, by ordinance, prohibit the same.

Sec. 195. Said Board shall recommend to the City Council such other rules and regulations concerning the public and private sewers and drains in said city as said Board shall deem best.

Sec. 196. The City Council may, upon recommendation of

said Board, by ordinance passed by the affirmative vote of the majority of all the members elected, authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate, which may be necessary for the construction of any sewers, or the making of any improvement thereon or therefor. The title to all real estate purchased shall be taken in the name of the city.

Sec. 197. Said Board may, with like authorization by the City Council, agree with the owner of any real estate over or through which it is deemed desirable to construct any sewer or other improvement relating to the sewerage or drainage, upon the amount of damages to be paid to such owner for the perpetual use of said real estate for such purpose.

Sec. 198. Said Board shall, when authorized by ordinance of the City Council, construct such sewers, reservoirs and pumping works, whether within or without the city, as may be necessary to carry out the general system of sewerage of the city.

Sec. 199. The City Council shall, by ordinance, provide that the owners and occupants of lands, buildings or premises within the city, shall, at their own expense, properly drain the same, or drain or clean any vault, cesspool, ditch, pipe or drain therein used as a receptacle or conductor of filth or refuse matter, and that all expenditures of this city in draining or cleaning private premises, be assessed against such premises; every assessment shall be a lien upon the premises so drained or cleaned, and such assessment may be collected and the lien enforced by a suit in the name of the city, or otherwise as in this Charter provided.

Sec. 200. Subdivision 1: Before any contract for the doing of any work or labor, or furnishing any skill, labor or material to or for the City of Bellingham shall be valid or binding against the city, the contractor shall enter into a joint and several bond with the City of Bellingham, for the use of the city, and also for the use of all persons who may perform, or cause to be performed, any work or labor, or furnish or cause to be furnished any such labor or material in the execution of such contract, conditioned to perform the contract according to its terms, conditions and stipulations, and to pay as they become due all just claims for all work and labor so performed, and all skill or labor and material so furnished in the execution of such contract, and to comply with all the requirements of the Charter and ordinances of the city, and the amendments thereto, which bond shall be in an amount fixed by the Board of Public Works, but not less than fifty per cent. more than the contract price agreed to be paid for the performance of such contract, and shall be duly signed by such contractor, and surety and sureties, and after being approved as herein provided, shall be filed in the office of the City Comptroller. The bond shall also contain any conditions or provisions required by any state law, and such bond shall be deemed to run also to the State of Washington.

Subdivision 2. It shall be the duty of the City Attorney of said city to see that such bond is fully and properly executed, and conforms in all respects to the provisions of this section; and thereupon shall indorse upon said bond his approval of the form thereof. Such bond, and the sureties thereon, shall be subject to approval by the City Council, but it shall not approve any such bond unless the said City Attorney's approval of the form thereof be indorsed thereon.

Subdivision 3. No contract with said city for the doing of any public work shall hereafter be assigned or transferred in any

manner without first having indorsed thereon the consent of the Board of Public Works, and of the sureties of the contractor's bond, and no transfer or assignment thereof shall in any wise affect such bond or the liability of the sureties thereon; and any assignment or transfer of any such contract, without such consent and waiver indorsed thereon, except by operation of law, shall make the same null and void, as to any further performance thereof by the contractor or his assigns, without any act on the part of the city; and the Board of Public Works shall at once report the facts to the City Council, which may relet such contract or direct the Board of Public Works to complete the same, as the agent and at the expense of such contractor and his bondsmen. No assignment, transfer, abandonment or surrender, either voluntary or otherwise, of any contract with the city for the doing of any work or labor, or the furnishing of any work or labor, skill or material, nor any change in any such contract, nor any extension of time in which to complete any such contract, shall ever operate to release the surety on the bond in this section provided for; and no such assignment, transfer, abandonment, surrender, change or extension of time shall ever be pleaded as a defense in any action upon such bond in any court.

Subdivision 4. The Board of Public Works may, whenever in its judgment one or more of the sureties on such bonds have become insolvent, or for any other cause are no longer fit and sufficient sureties, require any such contractor to file a new or additional bond within ten days after notice to that effect; and thereupon all work on such contract shall cease until such additional bond shall be filed with the City Comptroller, and if any such contractor shall fail for ten days, after notice to that effect, to file a new or additional bond, as aforesaid his contract shall by that fact alone become fully ended and void as to future performance thereof by such contractor; and thereupon the Board shall report the facts to the City Council, which may relet such contract, or may, in its discretion, direct the Board of Public Works to complete the same, as the agent and at the expense of such contractor and his bondsmen.

Subdivision 5. If any such contract shall, for any reason, become ended or void, and the Board of Public Works shall complete the same, as in this section provided, and the costs of so completing such contract shall exceed the amount unpaid by the city upon such contract, at the time the same shall become ended or void, in such case it shall be the duty of the City Attorney to at once commence an action in the name of the city against such contractor and his bondsmen, for the recovery of the difference in amount between the cost of so completing such contract and the amount unpaid by the city upon such contract at the time the same became ended or void. The City Council is hereby prohibited from entering into any contract for the doing of any work or labor, or the furnishing of any skill or material, with any person who, within two years prior thereto, shall have made default in the payment of any just claim for any work or labor performed, or for any skill or material furnished pursuant to any such contract with such party, or with any person, who within two years prior thereto shall have assigned, abandoned, surrendered or failed to complete any such contract, except as herein authorized, or who shall have failed to comply with any of the provisions of this section.

POLICE DEPARTMENT.

Sec. 201. There shall be a Police Department, which shall consist of a Chief of Police and as many subordinate officers, detective officers and regular and special policemen as the City Council shall, from time to time, by ordinance, prescribe; provided, that the regularly employed police force shall never exceed one officer to each one thousand of population of the city. Provided, that the Mayor may, when the public safety requires it, in cases of emergency, to be by him determined, appoint any number of emergency policemen, who shall discharge their duties and hold their positions at the pleasure of the Mayor, until the conclusion of the meeting of the City Council held next after such appointment, and not longer, except by consent of the City Council.

Sec. 202. The Mayor shall appoint the Chief of Police, and may remove him, as provided elsewhere in this Charter. All subordinate police officers, detectives and regular policemen, shall be appointed by the Mayor, under civil service rules, except as otherwise provided in this Charter.

Sec. 203. The Police Department shall be under the management of the Chief of Police, except as otherwise provided by law or this Charter.

Sec. 204. The City Council shall, by ordinance, prescribe rules and regulations, not inconsistent with law or this Charter, for the government and control of the Police Department, and fix and enforce penalties for their violation.

Sec. 205. The Chief of Police shall annually, or oftener, if required by the Mayor or City Council, make a report to the Mayor and City Council of any municipal legislation by him deemed necessary to improve the condition of the police force, and the administration of the Police Department. This annual report shall show fully the business and condition of the Police Department, the number of arrests made during the year, the causes thereof, together with other general and special information as to the peace and good order of the city. He shall submit an estimate of the amount of money that will be required to pay salaries and expenses of the Police Department for the ensuing fiscal years specifying in detail for what each sum will be required.

Sec. 206. The Chief of Police shall be the chief peace officer of the city, and all process issued by the police judge of the city, or by any justice of the peace in the city, under authority of this Charter, or any ordinance of the city, and to which the city is a party, shall be directed to him for service, and may be served and returned by the Chief of Police or any police officer or regular or special policeman. The Chief of Police shall exercise vigilant control over the police force, and maintain the peace and quiet of the city. He shall be the keeper of the city prison. He shall have in the discharge of his duties like powers, and be subject to like responsibilities as the Sheriff of Whatcom County in similar cases, and shall perform such other duties, and have such other powers as may be imposed on or granted to him by this Charter, or by the ordinances of the city.

Sec. 207. The Chief of Police, or any police officer, or any regular or special policeman, shall make arrests with warrant for any crime or violation of the laws of the state, or any ordinance of the city, committed within the city, and shall make arrests without warrant in such cases as shall be provided by

law, but not otherwise. The Chief of Police shall keep a correct record of all arrests made by him or other members of the police force, showing the time and cause of complaint upon which each arrest was made, with a list and description of all property and money taken from each person, with a statement of the disposition made of the same, and make a full report thereof in writing each month to the City Council.

Sec. 208. The Chief of Police shall be responsible for all property and money taken from any person, and shall be liable therefor on his official bond, and any person may recover for loss of any such property or money in an action brought for that purpose.

Sec. 209. The duties of the police officers and regular and special policemen and detective officers shall be such as may be provided from time to time by law or ordinance, or by rules established by the City Council, in addition to the duties hereinbefore prescribed.

Sec. 210. No member of the police force shall engage in any other calling or become bail for any person charged with any offense whatever, or recommend to persons charged with crime the employment of any particular attorney. No member of the police force shall be allowed pay for any period during which he may have been absent from duty, except as otherwise provided by the City Council.

Sec. 211. No member of the police force shall receive any fees or any compensation whatever, directly or indirectly, from the city, county or state, for any services rendered or act done while a member of such police force, other than his salary, except witness fees allowed by law.

Sec. 212. The Chief of Police shall keep a record of the conduct of the men in the department, and send a copy thereof monthly to the Secretary of the Civil Service Commission, keeping said record in accordance with the rules of, and upon the forms supplied by said Commission.

SANITATION DEPARTMENT.

Sec. 213. There shall be a Board of Health, to consist of three physicians, who must be legal practitioners of medicine of the State of Washington, and who must have been actively engaged in the practice of their profession in the City of Bellingham for not less than three years immediately preceding their appointment, to be appointed by the Mayor and confirmed by the Council, who shall have supervision of all matters appertaining to the sanitary condition of the city, and its public institutions.

Sec. 214. The members of said Board shall hold office for three years and serve without compensation. The terms of office shall be so arranged that one of them shall go out of office in each year. The member having the shortest term to serve shall be the President of the Board, and the City Clerk shall be ex-officio Secretary of the Board.

Sec. 215. The Board of Health shall hold meetings at the City Hall at least once a month, and the city shall provide necessary supplies for the performance of its work.

Sec. 216. Said Board shall appoint, and remove, for cause, subject to confirmation by the City Council, a Health Officer, who shall be a legally qualified physician of not less than three years' active practice in this city, and shall also appoint, by and with the consent of the City Council, such other subordinate officers and temporary employees as may from time to time be deemed necessary. The Health Officer shall be the executive

officer of the Board, and shall see that all ordinances relating to the sanitary affairs of the city, and all rules, regulations and orders of the Board are enforced, and he may call upon the Chief of Police for aid in the enforcement of such rules, regulations and orders.

Sec. 217. The Health Officer shall, from time to time, as frequently as may be desired by the Board of Health, visit the public buildings and institutions of the city, and the public and other schools within the city, and investigate and report the sanitary condition of same to the Board. He shall also make to the Board a monthly and annual report of the affairs of his office, including vital and such other statistics as the Board may require.

Sec. 218. Whenever the Health Officer shall certify to the Board of Health that any building, or any part thereof, is, for any sanitary cause, unfit for human habitation, said Board may issue an order to be served on the owner, agent or occupant requiring all persons to vacate such building or apartment at, and until such time as the Board may determine.

Sec. 219. Whenever a case of contagious or infectious disease is reported to the Health Officer, he shall immediately visit the premises where the person is, and if he shall find such reported disease on said premises, he shall forthwith post in a conspicuous place or on the doorway, a placard setting forth that a contagious or infectious disease exists therein, and the name of the disease, and declare such place or premises under quarantine, if he deem necessary.

Sec. 220. The Health Officer shall immediately report to the Chief of Police, City School Superintendent, the principals of private or other schools within the city limits, and the librarians of the libraries of the City of Bellingham, the names and residences of all persons sick of such contagious or infectious diseases.

Sec. 221. It shall be the duty of the City School Superintendent, the principals of private and other schools within the city limits, and the librarians of the Bellingham public libraries, when so notified, to refuse admittance to the public or private schools or libraries to any member of a household in which any infectious or contagious disease may exist, until advised by the Health Officer that danger from contagion or infection no longer exists.

Sec. 222. Every physician in the city shall immediately report to the Health Officer every patient he shall have sick of any contagious or infectious disease, and shall report immediately every death occurring from such diseases; also every household shall report to the Health Officer the name of every inmate of his or her household which he or she shall have reason to believe is sick of such disease.

Sec. 223. The City Clerk shall keep a record of all births, deaths, cremations and interments occurring in the city, as prescribed by the Board of Health.

Sec. 224. All physicians and midwives in the city shall report in writing to the City Clerk, within three days, all births or deaths occurring in his or her practice.

Sec. 225. The Board of Health may, under direction of the City Council, establish and maintain hospitals and pest houses, and discontinue and remove same, whenever necessary or expedient, for the preservation of the public health.

Sec. 226. No person shall remove, without the consent of the

Health Officer, any person affected with a contagious or infectious disease, from any house or place within the city limits to any other house or place, except the pest house.

Sec. 227. The Mayor may, with the consent of the City Council, appoint a Sanitary Inspector, who shall be Market Inspector and Inspector of all places where perishable food is offered for sale. Such inspector shall have the power of a policeman, and his duties shall be such as may be prescribed by ordinance. The City Council shall, by ordinance, regulate the plumbing of all buildings, with due regard to the public health.

Sec. 228. All vessels arriving at the port of Bellingham from ports which have been legally declared infected ports, or from any place where there is prevailing at the time of departure of any such vessel, an epidemic of any contagious or infectious disease, shall be subject to quarantine, under such regulations as may be prescribed by ordinance.

Sec. 229. The Board of Health may, when they deem it necessary, require all railroad cars, or other public conveyances, before they shall stop at any depot or station in the city, to stop at any locality selected and established for quarantine purposes, and to leave there all such persons, with their stores and baggage, as the Health Officer shall deem necessary so to be left, for the health of the city. The Board of Health shall also have power to make such regulations as they may deem proper for the management of any private burial grounds which are now, or may be, established within the city, or within two miles of the corporate limits of the city; and, further, shall require owners of private cemeteries to make such reports to the office of the City Clerk as they may deem necessary.

Sec. 230. The Board of Health shall make such rules and regulations for the government of the quarantine, or the health of the city, as from time to time the public health may require, and the physicians or health officers in charge of any quarantine station or place shall have power to enforce such regulations as may be necessary for the management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city, in or about such quarantine station or place, to carry out and obey the same.

Sec. 231. It shall be unlawful to disinter or exhume from a grave, vault, cemetery or other burial place in the city, or owned by the city, or to deposit therein, for removal from the city, the body of any deceased person, without first causing to be filed with the Health Officer a certificate signed by a legally qualified physician or coroner, setting forth, as nearly as possible, the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of such decedent, and the destination of the remains, and obtaining from the Health Officer a written permit therefor.

Sec. 232. The Board of Health shall keep a book of blank permits in proper form, containing stubs, on which, as well as in the permits, shall be entered, by the secretary thereof, a record, giving the name, age, sex, nativity, cause of death and place of burial, of each person to be buried. No body of any deceased person shall be interred in any cemetery in the city unless a permit therefor shall have been first obtained from the Board of Health.

Sec. 233. The City Council shall provide, by ordinance, for the enforcement of such orders and regulations as the Board of Health may adopt, and the City Council approve, providing also

for all expenses in carrying out the same. In addition to the powers enumerated in this Charter, the Health Officer and Board of Health shall have such other powers and authority as may be prescribed by ordinance of the City Council or by general law. The City Council shall provide for the maintenance of all indigent families during the continuance of their enforced quarantine.

Sec. 234. The City Council shall pass all such ordinances and provide therein such penalties as may be necessary to carry out the intent and enforce the provisions of this Charter relative to sanitation.

FIRE DEPARTMENT.

Sec. 235. There shall be a Fire Department, which shall consist of a Chief of the Fire Department, and as many subordinate officers and firemen as the City Council shall, from time to time, by ordinance prescribe.

Sec. 236. The Fire Department shall be under the management of the Chief of the Fire Department, except as otherwise prescribed by ordinance, or in this Charter.

Sec. 237. The City Council shall prescribe rules and regulations for the organization, government and control of the Fire Department, and fix and enforce penalties for their violation.

Sec. 238. The Chief of the Fire Department shall, subject to the civil service rules, appoint subordinate officers and firemen.

Sec. 239. The Chief shall make a monthly statement of expenditures of the department to the City Council; and also furnish to the City Council an estimate of the needs of his department for the ensuing month, with such recommendations as he may deem proper for the betterment of the service.

Sec. 240. The Chief of the Fire Department shall make annual, or oftener, if required by the City Council, or if he may deem best, a report to the City Council of any municipal legislation by him deemed necessary to improve the condition and administration of the Fire Department; and shall report in like manner fully to the City Council the business and condition of the Fire Department, showing the number of alarms responded to, the estimated loss by each fire during the year, with the cause thereof, with such other information as he can furnish relative to the advancement or improvement of the department, and the necessities thereof also an estimate of money required to pay salaries and expenses of the Fire Department for the ensuing fiscal year, specifying in detail the items for which the same will be required.

Sec. 241. The Chief shall have such further powers, and be subject to such further duties as may be granted or imposed by the City Council, except as otherwise in this Charter provided.

Sec. 242. It shall be the duty of the Chief of the Fire Department to inspect and keep a record of all new buildings in the course of erection in the city, and report to the City Council any building in process of construction or completed, without the fire protection and escapes prescribed by ordinance.

Sec. 243. The Chief of the Fire Department shall keep a record of the conduct of the men in the department, and send a copy of the same monthly to the Secretary of the Civil Service Commission, keeping said record in accordance with the rules of, and upon forms supplied by said Commission. He shall have such other powers, and perform such other duties as shall

be provided by ordinance.

WATER DEPARTMENT.

Sec. 244. The City of Bellingham is authorized and empowered to purchase, construct, condemn and purchase, acquire, maintain and operate water works within or without its limits, with all necessary plants and facilities, of a character and capacity sufficient to furnish the city and inhabitants thereof, and also to furnish public and private places along or in the vicinity of the pipe lines or conduits constructed or used for such purpose, with an ample supply of good, pure, wholesome water, sufficient for the comfort and convenience of the public and private use, including water power or other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; and to that end may acquire, by purchase or otherwise, and own and possess such real and personal property within and without the limits of the city as may be necessary and convenient for the operation and maintenance of the water system, and for such purpose may issue warrants or bonds and dispose of the same, as hereinafter provided.

Sec. 245. The city shall not enter into any contract or agreement whatever, with any person, company, or corporation, for the purchase or lease of any water system, plant or supply, or enter into any contract or agreement whatever with any person, company or corporation, for the sale or lease of the whole, or any part, of its water system or distributing plant, including mains, conduits, pumping stations and reservoirs, without first submitting such proposed contract or agreement to a vote of the qualified electors of this city at a general or special election called for that purpose, and unless a majority of said electors voting at said election shall vote therefor. Provided, that nothing herein contained shall be so construed as to prevent the city from selling to any consumer, water for power, domestic or public uses, or power manufactured from water, upon terms open to all consumers. And, provided further, that the City Council may lease the Whatcom Falls mill property for a term not exceeding ten years at any time by a vote of five-sevenths of the City Council.

Sec. 246. For the purpose of carrying out the provisions of this Charter relating to the Water Department, the city is authorized to issue warrants or bonds, to be described and known as "Water Warrants" and "Water Bonds," and dispose of the same in the manner, and in accordance with the general provisions pertaining to other warrant and bond issues of this Charter. Said warrants and bonds shall be issued against the water fund for indebtedness outstanding against the water fund or the redemption of water bonds and warrants now issued and outstanding against the water fund, and in payment of any indebtedness which may be incurred by the purchasing or acquiring of other water systems, plants, extension of water mains, pumping stations, reservoirs, or extensive improvements in development of the present water system. Said bonds or warrants shall be provided for and paid from the water fund. No bonds or warrants shall be issued against the water fund in payment of any indebtedness or liability of the city other than indebtedness incurred by the Water Department, herein provided for, except as hereinafter provided.

Sec. 247. There is hereby created, for the purpose of managing and controlling of waters, water rights and water works

that are now, or may be hereafter owned by the City of Bellingham, a department of said city to be known as "Water Department," which shall be under the management of a Board of Water Commissioners. The said Board shall have charge of the water works and water plant of the city.

WATER BOARD.

Sec. 248. Said Board shall consist of five members, and be composed of the Mayor, City Comptroller, City Engineer, President of the City Council, and one member to be appointed by the Mayor, subject to confirmation by a majority of the City Council, which appointive member shall serve without compensation for the term of four years. The Mayor shall be Chairman, and the City Comptroller clerk of the Board.

Sec. 249. Upon the taking effect of this Charter, the Mayor shall immediately appoint one member of the Water Board to serve for four years, subject to removal, as in this Charter provided, and thereupon convene the Water Board. As the appointed member's term expires thereafter, the Mayor in office shall appoint a member to serve for four years, to fill the place of the member whose term has expired. Members of the Water Board who are elective or appointive officers of the city shall serve during the entire elective or appointive terms of office, and are subject to removal from the said Board by the Mayor, as provided elsewhere in this Charter.

Sec. 250. When the Water Board is selected, as in this Charter provided, the City Council shall turn over to the succeeding Water Board the water works and plant, and all property pertaining thereto, together with all books, papers and accounts relating to the construction or purchase thereof, as the case may be, and the Water Board shall thereupon take possession and charge of, and shall, subject to ordinance, manage, conduct and maintain the same, and, in so doing, it may in like manner alter, improve and extend such water works from time to time.

Sec. 251. The Water Board shall meet in the City of Bellingham for the transaction of business regularly once a month, on such day and hour thereof as it may determine, and in such place as the City Council may provide, and otherwise as often as may be deemed necessary and convenient. Three members of the Water Board shall constitute a quorum for the transaction of business.

Sec. 252. The City Comptroller shall make and keep correct minutes of the acts and doings of the Water Board, countersign all orders authorized by the City Council, and signed by the Mayor, for the payment of money, and attest all written contracts signed by the Mayor on its behalf; keep its accounts and have the custody of its books and papers.

Sec. 253. The City Treasurer shall pay out money from the water fund on the order of the Mayor, countersigned by the City Comptroller, and not otherwise.

Sec. 254. All moneys collected or received on account of the water system, for the use and consumption of water, or otherwise, shall be deposited with the Treasurer of the city. He shall keep the same separate and apart from other funds of the city, in a fund to be known as the "Water Fund," and pay it out only on the order of the Mayor, countersigned by the City Comptroller, upon the presentation and surrender thereof, and not otherwise. None of the money in said water fund, or coming under the control of said Water Board, shall be appropriated for

any purpose or purposes other than, to-wit: For the necessary expense of conducting the Water Department, of operating the water works, of making all current extensions and repairs for the betterment of the property and the distribution of the water, except as otherwise provided in this Charter.

Sec. 255. The Water Board has power and authority:

1st. To employ, hire and discharge, from time to time, subject to civil service rules of this Charter, all such employees, agents, workmen and laborers as it may deem necessary for convenience in the conduct, extension, operation and management of said water works and property.

2nd. Subject to ordinance, to make all needful rules and regulations for the conduct and management of the same by the city, and the inhabitants thereof.

Sec. 256. The Water Board shall annually, before the 1st day of January, make a written estimate of the probable expense of maintaining and conducting the water works during the ensuing year, and also the cost of any contemplated alterations, improvements or extensions thereof, and thereupon ascertain and recommend to the City Council a water rate for such year, which will insure a sufficient income from the sale of water to pay such expense and cost, together with such special water warrants as are required to be paid during the ensuing year, and such part of the floating debt issued and outstanding against the water fund, as in the judgment of the Board should be paid during the same year, and such further provision for a sinking fund as they may deem advisable, and said estimate shall thereupon be submitted to the City Council.

Sec. 257. The City Council may, by ordinance, authorize the proposed expenditures to be paid only out of the water fund, and may likewise fix the water rates for the ensuing year, provided, that a change of water rates in effect is deemed necessary; but no increase shall be made in the water rates existing at the time this Charter takes effect, except by a three-fourth vote of the whole City Council.

In case of any unforeseen great emergency, the City Council may, by ordinance, at any time, on recommendation of the Water Board, authorize further expenditures to be made out of the water fund.

SINKING FUND AND HOW USED.

Sec. 258. The City Council shall provide for the creating of a sinking fund to be composed of all the surplus funds accumulating in the Water Department, said sinking fund to take effect upon, and at the time when all of the outstanding indebtedness now against the water fund, with all costs of extensions, maintenance and operating expenses of the Water Department, shall have been paid, and a surplus appears or is created in the water fund from the revenues thereof.

All the said sinking fund, together with such funds as may be provided by general taxation therefor, shall be applied and used for the redemption and payment of the interest and principal of the outstanding bonds issued April 1st, in the year 1893, for the payment of the water works, which become due and payable in the year 1913, in the sum of \$183,000.

The sinking fund herein referred to is created for the sole purpose of paying the bonds and interest thereon, referred to in this section. When said bonds have been fully paid, then this sinking fund shall cease, and not be in effect thereafter.

Sec. 259. The Water Board shall cause a quarterly statement in detail of the receipts and disbursements to be made and signed by its Chairman, and filed with the City Comptroller, who shall preserve the same among the files of his office; and the Water Board shall cause to be made and filed, as a part of its last quarterly report in each year, a statement of the receipts and disbursements for that year, and an inventory or statement of the property, implements and material in its possession or control pertaining to the water works, together with the condition and approximate value thereof.

LIBRARIES.

Sec. 260. The free public libraries now existing under the management of the City of Bellingham shall forever remain free public libraries.

Sec. 261. A Library Board of five members, two of whom shall be women, shall be appointed by the Mayor and confirmed by the City Council. All members shall serve without compensation, and shall be so appointed that one member shall retire each year; provided, that the present Library Board shall be the first Library Board under this Charter. Before any member shall enter upon the duties of his office, he shall qualify by oath or affirmation before the City Clerk. In case of a vacancy by death, resignation or other cause, the Mayor shall appoint a member to serve the unexpired term. The Board shall organize each year by electing one of its members chairman.

Sec. 262. The Superintendent of City Schools shall be ex-officio a member of the Library Board.

Sec. 263. A librarian shall be appointed by the Board, and shall be subject to removal by it. The librarian shall, by and with the consent of the Library Board, have the appointment and removal of all subordinate employees of the libraries.

Sec. 264. The Library Board shall have the management and control of the public libraries of the city, as provided by the laws of the State of Washington, and the ordinances of the city; and alone shall have power to make contracts affecting or creating obligations against the library funds. The Library Board shall certify every expenditure made by them to the City Comptroller, and the same shall be audited and paid in the same manner as other claims against the city.

Sec. 265. The Library Board shall have power to receive in the name of the city all gifts, bequests, devises or other donations made to the City of Bellingham, or any trustee, for the uses or purposes of the Bellingham public libraries.

Sec. 266. The Library Board shall have power to receive or collect any rents, issues or profits derived from any property which may be owned or held in trust for said libraries by the city, or any trustee thereof.

Sec. 267. All funds received by the Library Board from other sources than taxation shall be deposited with the City Treasurer to the credit of the library fund.

Sec. 268. The City Council shall levy each year a tax sufficient to provide a sum of not less than four thousand dollars per annum for the maintenance and improvement of the city libraries.

Sec. 269. The Library Board shall, on the last Monday preceding the expiration of the term of any member, make a report to the Mayor and City Council of the condition and needs of the libraries, together with a detailed statement of their receipts

and expenditures during the year. This annual report shall also show the number of books in all libraries, the number of books added and lost during the year, the number of magazines received regularly, the number of persons visiting the libraries, and such other information as may be of public interest.

Sec. 270. In conformity with obligations previously assumed by the cities of Fairhaven and Whatcom, it shall be the duty of the Library Board to spend the sum of not less than twelve hundred and fifty dollars annually in the maintenance of the Fairhaven public library, and not less than the sum of two thousand dollars annually for the maintenance of the Bellingham Bay public library.

PARKS AND CEMETERIES.

Sec. 271. There shall be a Park Commission, consisting of five members appointed by the Mayor and confirmed by the City Council. Each member shall be appointed for a term of five years, except the first appointees, who shall be so appointed that one member shall retire each year, after which one member shall be appointed annually. Upon a vacancy by death, resignation or other cause, the Mayor shall fill the vacancy by appointing a member for the unexpired portion of the term. All Park Commissioners, before assuming the duties of their office, shall qualify by oath or affirmation before the City Clerk. It shall be the duty of said Commission to devote such time as may be necessary to discharge properly all duties devolving upon them, and they shall serve without compensation. They shall organize annually by electing one of their number chairman.

Sec. 272. The Park Commission shall have full control of all parks, squares, parkways, boulevards, play, recreation or other public grounds owned or acquired by the city. It shall have power, by and with the consent of the City Council, to designate and recommend lands and grounds to be acquired by the city for park purposes, and to designate and recommend to the City Council such streets or highways as they desire widened or set apart for parks or boulevards; to make and keep on record surveys and plats, and lay out all lands owned or acquired by the city for park purposes, whether within or without the city limits; to grade, improve, ornament and maintain the same; to erect buildings, monuments and structures therein; to have censorship over all statuary, monuments or works of art which may be presented to the city, and shall have power in the name of the city to accept all gifts, devises or bequests; to provide for securing, growing and maintaining trees, shrubs, plants, flowers, zoological collections, and other attractions therein; to grant concessions and privileges therein, under such restrictions and for such compensation as it shall prescribe, the revenue of which shall go into the park fund; provided, that no concession or privilege shall ever be granted for the sale or dispensing of any intoxicating liquors in any public park, square, recreation ground, driveway or boulevard owned by the city; to exclude from all grounds under its charge any vehicle or classes of traffic which in its judgment may be improper or detrimental to the same; to recommend to the City Council for appointment persons as special policemen for the enforcement of the park regulations of the city, such appointees to be known as park police.

Sec. 273. The Park Commission shall have power to make,

from time to time, such regulations for the use, management and supervision of all property under their care as shall not be inconsistent with the provisions of this Charter, or the ordinances of the city.

Sec. 274. They shall have power to employ and discharge from time to time all such superintendents, workmen and laborers as may be necessary to carry forward their work.

Sec. 275. The park fund shall include all gifts, donations, devises, bequests, legacies and rents received, and all levies and appropriations made for park purposes by the City Council.

Sec. 276. The City Council shall levy annually not less than one-half of one mill for park purposes, and shall further have power to set aside all, or any portion of such annual levy, for a period of years, as a sinking fund to be used by ordinance, for acquiring and improving land for park purposes.

Sec. 277. The Park Commission alone shall have power to expend all money in the park fund, and they shall certify every expenditure made by them to the City Comptroller, and the same shall be audited and paid in the same manner as other claims against the city.

Sec. 278. The city shall have power, by ordinance, to acquire property for park purposes by gift, bequest, devise, donation, purchase, condemnation or other process, in accordance with law. Provided that any mortgage or other obligation given in payment for land for park purposes shall not be a personal or general liability against the city, but the same shall be and remain a liability against the property so acquired only.

Sec. 279. The Park Commission shall not in any one year expend upon any acquired land or lands a sum exceeding ten per centum of the cost of the land, until the city possesses a clear and unincumbered title to such land; and further, it shall not erect upon incumbered property any permanent structure.

Sec. 280. The Park Commission shall make an annual report to the Mayor and City Council of all work and improvements made by them during the year on the parks owned by the city, together with a statement of all expenditures, and an estimate of the needs for the coming year, with such other recommendations as they may wish to submit for the consideration of the City Council.

Sec. 281. The Park Commission shall have, subject to the control of the City Council, full charge of all cemeteries belonging to the city, both within and without the city limits, and shall have power to make all necessary rules and regulations and employ and discharge the necessary labor, for the care and management of all cemeteries under its charge.

Sec. 282. It shall be the duty of the Park Commission to keep a complete record of all burials in, and removals from, each cemetery, and to keep on file in the office at each cemetery a plat of that cemetery, showing all occupied and unoccupied lots in the cemetery, and a record showing the name of the owner, or owners, of each lot, and the name of each body, or bodies, buried on each lot. Copies of all cemetery plats and records shall also be kept in the office of the City Clerk.

Sec. 283. The Park Commission shall have power to receive in the name of the city all gifts, bequests and devises made to the city for cemetery purposes.

Sec. 284. The Park Commission shall have power alone to expend all moneys appropriated by the City Council to the cemetery fund. It shall be their duty to certify each expenditure to

the City Comptroller, and the same shall be audited and paid in the same manner as other claims against the city.

Sec. 285. The Park Commission shall have power, from time to time, under the authority of the City Council, to acquire by purchase, condemnation or other process, according to law, additional lands to be used for cemetery purposes.

Sec. 286. The Park Commission shall make an annual report to the Mayor and City Council, giving a detailed statement of the work performed by the Commission, relating to the cemeteries owned by the city, together with such estimates and recommendations as they may desire to submit to the City Council.

HARBORS.

Sec. 287. All streets, avenues or highways of the City of Bellingham touching the waters of Bellingham Bay, are declared to extend to the harbor line as established by the State of Washington.

Sec. 288. The City Council shall, unless otherwise prescribed by the laws of the state, exercise control and management of the harbor and water front of the City of Bellingham, and shall, by ordinance, establish such rules and regulations as shall prevent any encroachment upon the tidal area of the same.

Sec. 289. The construction of all wharves which may be built by the city, and all repairs on the same, or other work done on the water front by the city, shall be performed after proceedings had in the manner and form prescribed for the construction, improvement and repair of like public buildings, or other like public works.

Sec. 290. The City Council may, by ordinance, order the construction of wharves, slips, docks or landing places upon any street, flanking or abutting upon or leading into any navigable waters within the city, which wharves, slips, docks and landing places, when so constructed, shall remain under the exclusive control of the city.

Sec. 291. The City Council may, by ordinance, regulate the tolls for wharfage, dockage, and other charges at all wharves, slips, docks and landing places within the city, and provide for the regulation of berths and landings of all steamers, sail vessels, barges or other craft, and shall exercise in regard to all such wharves, slips, docks and landing places, such other control, not herein specified, as shall not be inconsistent with the laws of the United States and of the State of Washington.

Sec. 292. The City Council shall not lease any wharves or waterfront property until it shall have first published in the official newspaper, notice of its intention so to do, which notice shall be published daily at least ten days before action is taken thereon, and no such lease shall be valid or determined until one month after all papers have been signed; provided, that the City Council shall never sell any wharves or waterfront property belonging to said city, and shall not lease the same for a longer period than ten years at any one time.

Sec. 293. The Harbor Master shall perform such duties, not inconsistent with this Charter, in relation to harbor and wharves, as may be prescribed by ordinance, and shall be deemed the head of the Harbor Department.

STREET AND SEWER IMPROVEMENTS.

Sec. 294. The City of Bellingham is authorized to curb, re-

curb, grade, regrade, pave, repave, plank, replank, gravel, regrav-el, macadamize, remacadamize, gutter, regutter, pile, repile, cap, recap, bridge or rebridge, any street, avenue, public way or alley therein, or any part of any such street, avenue, public way or alley, and to construct, maintain or repair, or cause to be constructed, maintained or repaired, sidewalks, sewers, man-holes, culverts, bulkheads, retaining walls and crosswalks there-in, and to pay all or any part of the entire cost of such improve-ment, may levy and collect a special assessment upon the lots and parcels of land abutting upon adjacent or proximate to the portion of the street, avenue, public way or alley so improved, and for this purpose the city shall, by ordinance, establish as-sessment districts, which shall include the lots and parcels of land benefited by such improvement. Provided, however, that such assessment district shall be co-terminus with the portion of the street, avenue, public way or alley improved. Such as-sessment district shall include all property abutting upon, adja-cent or proximate to the street to be improved, between the ter-mini of such improvement to the distance back from the nearest side line of such street; if platted in blocks, to the center of the blocks; if platted in lots only, to the center of the lots; and if not platted, to the distance of not exceeding 220 feet; provided, that the words "lots" or "blocks," as used in this section, shall be construed to mean all that property lying between streets having a width of 30 feet or more, regardless of whether said lots or blocks are designated in different plats or subdivisions, or in-tersected by alleys.

The City Council may expend from the general fund for any such improvement such sum as it may deem just and equitable in consideration of benefits accruing to the general public by reason of such improvement, which sum shall not exceed one-fifth of the total cost of the improvement. Provided, that in addition thereto, the city may pay out of the general fund the cost of construction of all bridges, the construction of which will be of general public benefit, and which will not be of special benefit to the property of the assessment district; and in no case shall any part of the cost of such bridges, in excess of the special benefits to the property in such district, be assessed against the property therein. All lots or parcels of land within such assessment district (except lands included within streets, avenues, public ways or alleys), shall be deemed and taken to be lots and parcels of land abutting upon, adjacent or proximate to the portion of the street, avenue, public way or alley improved. The action of the City Council in the creation of such assessment district shall be final and conclusive.

Sec. 295. The terms "improve" and "improvement" as used in this Charter, in reference to streets, avenues, public ways or alleys, shall be construed to include all sidewalking or reside-walking, curbing or recurbing, grading or regrading, paving or repaving, plankling or replankling, graveling or regraveling, ma-cadamizing or recadamizing, guttering or reguttering, piling or repiling, capping or recapping, and the construction and repair-ing of sewers, manholes, culverts, bulkheads, retaining walls or crosswalks, and all manner of bridgework and roadway im-provement or repair, and all manner of constructing sidewalks, gutters and curbs, within any of the streets, avenues, public ways or alleys of the City of Bellingham.

Sec. 296. No improvement, where the whole or any portion of the cost and expense thereof is to be defrayed by the collection

of special assessments upon the property specially benefited thereby, shall be ordered unless the owners of at least one-half of the property subject to contribute to such improvement shall file a petition therefor; provided that the legal representatives of such owners may sign such petition for and on behalf of the owners; provided further, that such improvement may be ordered, without petition, by an ordinance, which shall be passed by a vote of at least three-fourths of the whole Council.

Sec. 297. All petitions for improvements shall be filed with the Board of Public Works. Whenever a petition for the improvement of any street, avenue, public way or alley shall be filed with the Board, it shall ascertain if the signers thereof are the owners of at least one-half of the property subject to contribute to such improvement, and, if it finds such to be the fact, the Board shall report such petition to the City Council, with its recommendation. Such report shall contain such data and information with respect to such work as the City Council may, by ordinance or resolution, prescribe.

Sec. 298. Whenever, in the absence of any petition, the City Council shall deem it advisable to order such improvement, it shall, by resolution, direct the Board of Public Works to prepare and transmit a report of such work, with the probable cost thereof, and such recommendations as it may deem proper. All such reports shall be filed with the City Clerk, and be open for public inspection for a period of not less than ten days prior to action thereon by the City Council. All resolutions of the City Council declaring its purpose to improve streets shall be kept of record in the office of the City Clerk, and shall be published for at least five consecutive issues in the city official newspaper.

Sec. 299. No ordinance providing for the improvement of any street, avenue, public way or alley shall be passed without the publication of the resolution declaring the intention of the city to make such improvement and not until the expiration of at least ten days from the date of the first publication of such resolution. Such resolution of intention so to improve shall contain, among other things, a statement of the nature of the proposed improvement, and the estimate of the cost of the same, and the portion of the cost of the same which is to be assessed against the property abutting (and included in the assessment district provided for by such resolution) on such street or alley proposed to be improved and shall designate a time, not less than ten days, in which protests against such proposed improvements may be filed in the office of the City Clerk. If protests against the proposed improvement by the owners of two-thirds or more in area of the property within such assessment district be filed, on or before the date fixed for such filing, the City Council shall not proceed further with the work proposed unless three-fourths of the whole City Council shall vote to proceed with such work. If no such protest is filed, or if such protest is filed, and three-fourths of the whole City Council shall vote to proceed with such work, the City Council may then introduce an ordinance for such improvement, and at its next regular meeting, or thereafter, may enact such ordinance.

Sec. 300. The improvement of one or more streets, or part or parts thereof, may be made under one proceeding.

Sec. 301. The City Council is authorized and empowered to prescribe, by general ordinance, the method in which the charge on the respective lots and parcels of land shall be assessed and determined, for the purpose of paying the cost and expense of

any and all street improvements. Such charge or assessment shall be based upon the benefits accruing to such respective lots and parcels of land included in the assessment district by reason of such improvement. Such charge, when assessed and the assessment roll confirmed by the City Council in the manner hereinafter authorized, shall be a lien upon such lots and parcels of land as are shown upon such assessment roll, from the time such assessment roll shall be placed in the hands of the City Treasurer for collection.

Sec. 302. All assessments levied upon lands of the United States, State of Washington, State Normal School, public libraries, County of Whatcom, School District No. 81, and the City of Bellingham, except streets, avenues, public ways and alleys (which shall not be assessed), shall be paid by the City of Bellingham.

Sec. 303. The Board of Public Works shall make out and certify to the City Council the assessment roll, showing the assessments upon each lot or parcel of land contained in the assessment district. Such assessment roll shall be prepared in such manner and form as may be prescribed by ordinance.

Sec. 304. Whenever any street improvement is completed, in whole or in part, to the satisfaction of the Board of Public Works, it shall file a certificate of the completion and its approval of such work so completed, with the City Clerk, who shall thereafter publish a notice of such completion, for not less than two successive days, in the city official newspaper, stating therein when the acceptance of the same will be considered by the City Council, and at that time, or at any time prior thereto, any owner of any interest in or agent of any property within the assessment district of such improvement, may appear and file objections to the acceptance of such improvement, and such objections shall be considered and the merits thereof determined by said City Council; and if it appear that such work or improvement has not been completed in accordance with the specifications and contract, the City Council shall require the same to be so completed before accepting it.

Sec. 305. Upon the completion of any special assessment roll, the City Clerk shall forthwith give notice, by publication, for at least five days, in the city official newspaper, that the assessment roll is on file in his office, and that the same is open for public inspection, and said notice shall state the time when the City Council will meet to hear protests of all persons aggrieved by such assessment, which time shall not be less than ten days after the first publication of said notice.

Sec. 306. Any person claiming to be aggrieved by said assessment, whether named in the assessment roll or not, may, at any time, prior to the date fixed for such hearing, file written objections thereto, or protest against such assessment. He shall state therein the grounds of his objection or protest, and the City Council may, in its discretion, refuse to consider any grounds of protest or objection, or any protest or objections to such assessment roll, or any of the assessments therein not so specified and filed; and the regularity and correctness of the proceedings in ordering said improvement and in levying said assessment, and the correctness of the amounts of said assessment and of the amount levied upon each particular lot or parcel of land, shall not in any manner, or by any proceeding whatsoever, be contested or questioned by any person not filing written objections to any such assessment roll, or to such assessments as

hereinbefore described.

Sec. 307. At the time appointed for hearing objections to such assessments, the City Council shall hear and determine all objections which have been filed, by any person interested, to the regularity of the proceedings in making such assessment, and to the correctness of the amount of such assessment, or of the amount levied on any particular lot or parcel of land, and the City Council shall have the power to adjourn such hearing from time to time, and shall have the power and discretion to revise, correct, confirm or set aside and to order that such assessment be made de novo, and said City Council shall pass a resolution approving and confirming such proceedings, and said assessment as corrected, and its decision and order shall be a final determination of the regularity, validity and correctness of said amount and the amount thereof levied on each lot or parcel of land.

Sec. 308. All objections shall state clearly the grounds of objection, and objections to such assessment roll or to the assessment proceedings, not made before such City Council, shall be conclusively presumed to have been waived. The decision of the City Council upon any objections filed may be reviewed by the Superior Court upon an appeal thereto, taken and pursued in the manner provided by law.

Sec. 309. The City Council shall prescribe, by ordinance, within what time or times such assessments or installments thereof shall be paid, and may provide for the payment and collection of interest at a rate not exceeding eight per cent. per annum upon all unpaid installments.

Sec. 310. The City Treasurer shall be the sole collector of all special assessments, either before or after delinquency, and and it is hereby made the duty of the City Clerk to file, after the completion and the confirmation thereof by the City Council, such assessment roll with the City Treasurer, who shall proceed to collect the same. The City Treasurer shall, upon receiving any assessment roll for collection, give five days' notice, by publication in the city official newspaper, that such roll is in his hands for collection of the assessments charged therein, and the date when the same will become delinquent.

Sec. 311. The City Treasurer shall mail a copy of such notice to the owner, if known, of the property assessed, or to the agent, if known, of the owner, and directed to the postoffice address of such owner or agent, when such postoffice address is known to the City Treasurer; and, if such postoffice address be unknown, such notice shall be directed to such owner or agent at Bellingham, Washington; but the failure to mail the same shall not be fatal when publication thereof is made, as above provided. No record need be kept of the mailing of any notice in this section prescribed, and the failure to mail, or a mistake in the mailing of any such notice, shall not in any manner invalidate the whole, or any part, of said assessment roll, or be considered as a reason or ground for contesting such assessment, or any part thereof, but in all cases the published notice shall be sufficient.

Sec. 312. Assessments or installments thereof shall, when delinquent, bear such interest and penalty as may be by ordinance prescribed, and such interest and penalty shall be added to and be a part of the assessment lien.

Sec. 313. Delinquent assessments shall be enforced, and the

liens thereof foreclosed in such manner as the city may by ordinances prescribe, and the city is hereby authorized and empowered to provide for the sale of lots and lands upon which there are delinquent assessments, for the amount of such assessments, penalties, interest and costs as may be due, upon reasonable published notice (the time and manner of such notice to be prescribed by general ordinance), the execution and delivery of certificates of sale to the purchaser, and the time and manner and cost of redemption; provided, that said time shall not be less than one year from date of sale; the execution and delivery of assessment deeds, and may, so far as consistent with the laws and constitution of the State of Washington and of the United States, prescribe the effect of such deeds as prima facie and conclusive evidence of the validity and regularity of the improvement and assessment proceeding culminating in the issuance of such deed.

Sec. 314. The city may provide for the bringing of suits in court in the name of the city, to enforce the collection of such assessments and foreclosure of such assessment liens and recovery of costs. In such proceedings, the owners of property upon which there are delinquent assessments or installments thereof, arising under a single roll, may be joined as defendants, and all liens for such assessments may be foreclosed in such action. In such proceedings, it shall be sufficient to allege the passage of the assessment ordinance, the assessment, the confirmation thereof, and the failure to pay within the times prescribed. The assessment roll and order of confirmation, or authenticated copies thereof, shall be prima facie evidence of the regularity and validity of the proceedings connected therewith, and the burden of proof shall be upon the defendants. The decree in such proceedings shall be for the amount due and costs, or for the sale of the land therefor.

Sec. 315. The city may provide, by ordinance, for the issuance of delinquent assessment certificates for any and all delinquent assessments or installments thereof, and may so provide that such certificates shall bear interest at a prescribed rate not to exceed fifteen per cent. per annum from the date of issuance, and such certificates shall constitute a lien upon the assessed premises for the amount thereof and costs, and may be foreclosed after a period prescribed by ordinance, in the same manner and with the same effect as mortgages upon real estate are foreclosed, or as certificates of delinquency for general taxes are foreclosed. It may make such certificates assignable in writing, and prescribe the time, manner and terms in and upon which the land may be redeemed. Such certificates shall be prima facie evidence that the land against which the same were issued was subject to the assessment, was properly and regularly assessed, and that the assessments or installments for which the certificates were issued were not paid prior to the issuance thereof.

Sec. 316. The city may prescribe any other methods and means for the payment and the enforcement of the payment of delinquent assessments or installments thereof, and the foreclosure of the assessment liens, permitted by law or this Charter.

Sec. 317. The city may provide that at the sale of lands for delinquent assessments or installments thereof, the land shall be struck off to it, if there be no bid therefor equal to or exceeding the amount of the assessment, penalties, interest and costs, and that the certificates of sale and assessment deeds shall be issued and delivered to itself, and in its name, as purchaser, and may provide for the issuance to itself of all or any of the delinquent as-

assessment certificates, either at the date of delinquency or after a fixed period, and may foreclose the same in its own name; provided, however, that any and all property which the city may acquire through proceedings for the collections of delinquent assessments or installments thereof, or the foreclosure of assessment liens, shall be held in trust for the fund for the creation of which such assessment was levied, and the city shall provide for the execution of such trust in such manner as may be equitable; provided, further, that the city shall not be liable for any assessment fund, or for any claims or demands whatsoever against such funds, except as trustee thereof, and the holders or owners of any claims or demands against any special assessment fund shall look only to such fund for the payment thereof, and shall have no claim against said city therefor, except from such fund.

Sec. 318. All moneys collected or received upon assessments for local improvements shall be kept as a separate fund, and shall be solely for the purpose for which said fund was created.

Sec. 319. In all cases of special assessments for local improvements of any kind against any property, and when special assessments have failed to be valid in whole or in part for any cause, the City of Bellingham is hereby authorized to make a new assessment or reassessment on the lots, blocks or parcels of land which have been, or will be, benefited by such local improvement, provided, that in all cases where a reassessment for any local improvement shall be made, the assessment district for such reassessment shall be created for the same territory as that comprised in the district upon which the original assessment was attempted to be levied. Such new assessment, or reassessment, shall be based upon the benefits accruing to the respective lots and parcels of land assessed by reason of the improvement, at the time of its original making, and it shall be for an amount which shall not exceed the actual cost and value of the improvements, together with any interest that shall have lawfully accrued thereon, and that such amount be equitably apportioned upon the property benefited thereby. Such new assessment or reassessment shall be made and collected in accordance with the law and ordinances then in force for the making and collecting of original assessments.

Sec. 320. Whenever, for any cause, mistake or inadvertance, the amount assessed shall not be sufficient to pay the cost of the improvement made and enjoyed by the owners of the property in the local assessment district where the same is made, the city is authorized to make a reassessment for such improvement. The reassessment shall be made and collected in accordance with the law and the ordinances existing at the time of the levy, and shall constitute a lien upon the lots and parcels of land reassessed from the time such reassessment roll is placed in the hands of the City Treasurer for collection. Such new assessment or reassessment shall be based upon the benefits accruing to the respective lots and parcels of land assessed by reason of the improvement at the time of its original making, and it shall be for an amount which shall not exceed the actual cost and value of the improvement, together with any interest which shall have lawfully accrued thereon, and that such amount be equitably apportioned upon the property benefited thereby.

Sec. 321. Assessments and reassessment liens and the liens of delinquent assessment certificates shall be paramount and superior to all other liens or incumbrances whatsoever, except liens

for general taxes.

Sec. 322. Whenever the city shall provide for any improvements, the whole or any part of the cost and expense of which may be assessed against the land included in any local assessment district, it may, in its discretion, provide for the payment of the cost and expense thereof by the issuance of local improvement bonds, and for the payment of such bonds, with interest on the same, from assessments to be levied and collected from the property liable for the cost and expense of such improvement, within the assessment district created for such improvement. Such bonds shall by their terms be made payable on or before a date not to exceed ten years from and after the date of the issuance thereof, which latter date may be prescribed by resolution or ordinance, and may be issued subject to call and retirement upon reasonable notice. They shall bear such interest as may be provided in the ordinance authorizing the issuance thereof, not exceeding eight per cent per annum, which interest shall be paid annually or semi-annually, as prescribed by ordinance. The City of Bellingham shall not be liable upon such bonds, except as trustee for the district and bondholder.

Sec. 323. The City of Bellingham shall have the sole and exclusive control of all streets, highways, alleys and grounds within its limits, and also of all streets and public ways extending over or across all tide lands and harbor area in front of or adjacent to said city, dedicated to public use. The fee of all property dedicated to public use shall be vested in the City of Bellingham. The City Council shall have power to establish the grade of all streets, by ordinance, and after the grade of a street has been once established it shall not be changed except by ordinance, after report thereon by the Board of Public Works and ordered by not less than a three-fourth vote of all the members of the City Council.

Sec. 324. The City Council shall have the power by general ordinance, to fix the time of delinquency of special assessments for street improvements, and to prescribe the rate of interest such delinquency assessments shall bear.

Sec. 325. The mode of payment for such portion of the cost and expense of local improvements chargeable against the assessment district shall be the mode petitioned for, in case said improvement shall be made upon petition, otherwise the mode shall be such as the City Council shall direct in the ordinance ordering such improvement.

Sewerage.

Sec. 326. The City of Bellingham is empowered to provide for the sewerage of said city. It may, by ordinance, prescribe the manner in which such improvements may be made, and prescribe all needful regulations for the exercise of the power hereby conferred. It may establish sewer districts in conformity with the requirements of the topography of the ground, and construct in each of said districts a main or trunk sewer, and it may provide for the payment therefor by a special tax, upon the real property in such district, or by special assessments upon the land included therein, and such sewer district shall include all land which can be conveniently drained or sewered into such main or trunk sewer.

Sec. 327. The city may, from time to time, establish in connection with such main or trunk sewer, sub-sewer districts, and construct and maintain in such districts a sub-sewer for the pur-

pose of drainage and sewerage directly or indirectly into a main or trunk sewer. The boundaries of such sub-sewer district shall be prescribed by ordinance, and the cost and expense of establishing and constructing such sub-sewer shall be assessed upon the realty benefited thereby. All proceedings for the assessment of drainage or sewer districts or sub-sewer districts, shall, as far as practicable, conform to the methods herein prescribed for the establishment of street improvement districts and assessments to pay the cost and expense thereof (which assessments are hereby made a lien paramount to all other liens or incumbrances, except liens for general taxes, from the time the assessment roll is placed in the hands of the City Treasurer for collection), and may be made, collected and such liens enforced, in the same manner and by the same means as assessments for street improvements, and the City of Birmingham is authorized and empowered to use all means, including the issuance, sale and foreclosure of delinquent assessment certificates, to collect such drainage and sewer district assessments that it may use to collect street improvement assessments. The provisions of this Charter relative to reassessments for local improvements shall apply in all cases of reassessments for sewers or sub-sewers.

Sec. 328. The City Council shall not have authority to proceed in the matter of any local improvement whenever the estimated or actual cost of any work or improvement contemplated and chargeable as a lien, under the provisions of this Charter against the lots, parcel or parcels of land comprising such assessment district shall exceed 50 per cent of the total assessed valuation of the lots or parcels of land (exclusive of improvements) contained in such assessment district, as the same appears upon the last annual assessment roll made for the levying of general taxes, in which case such improvement shall not be granted or ordered unless the same be so modified that the cost thereof shall not exceed said 50 per cent of the aforesaid valuation; provided, that upon the unanimous vote of the City Council said limit of 50 per cent may be exceeded when any improvement shall be petitioned for by the owners of three-fourths of the property to be assessed for said proposed improvement, and when such petition specifies not to exceed a certain higher percentage.

Improvement by Permit.

Sec. 329. Whenever the grade of any street has been established, the City Council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property according to such grade, and under the direction of the Board of Public Works, at the expense of such owner or owners, but the authority mentioned in this section shall not be granted after notice has been given by the City Council of intention to improve the street in front of such property. In giving such authority the City Council may impose such terms and conditions thereon as may be necessary to secure the deposit of earth or other matter excavated from the street upon any part thereof which may not be filled, and to charge fees for such permits to cover any expense incurred by the city in the survey and inspection of the work to be done.

Sec. 330. The City Council shall have power and authority in providing for any street improvement requiring a concrete foundation, to provide for placing in the street where such improvement is to be made, all necessary surface pipes for water, gas, heat, sewerage, or any other purpose, and all conduits for elec-

tric wires or other purposes, that are or may hereafter be necessary. The City Council may also provide a certain time after any street improvement is made during which it shall not be torn up or disturbed. The City Council shall also have power and authority to provide that no opening of any street surface shall be made without first obtaining a permit therefor. The City Council shall have power, by ordinance, to prescribe rules and provide for enforcing them, regulating the opening of street surfaces in all streets of the city, which it may deem necessary to secure the replacing of the street in good condition.

Sec. 331. Nothing in this Charter contained shall be construed to repeal or annul any ordinance heretofore passed, or to vacate, annul or set aside any assessment or reassessment heretofore levied or ordered.

Optional Mode of Providing for the Payment of Street Improvements.

Sec. 332. The city shall have the power, and be authorized to provide by ordinance for the payment of street and sewer improvements by the issuance to the contractor in payment of his contract, or any part thereof, of Special Assessment Lien Certificates. Such certificates shall be issued against each lot or parcel of land charged with said improvement, for the amount assessed against such lot or parcel of land. Such certificate shall be assignable in law, and the assignment thereof shall vest in the assignee, or his legal representatives all the right and title of the original holder.

Sec. 333. Special assessment lien certificates shall be issued by the City Comptroller by order of the City Council after the completion and confirmation of the assessment roll, and shall be duly entered in proper columns provided therefor in such assessment roll, opposite the description of each lot or parcel of land against which the same are issued, and shall be received by the contractor in full payment of the contract, and the city released from all liability in the premises, either on the contract or for the collection of said certificates.

Sec. 334. Special assessment lien certificates shall contain:

1st. Name and number of assessment district. 2nd. Name of person or persons to whom issued. 3rd. Description of the property assessed. 4th. Name of owner, or reputed owner, if known. 5th. Amount of the assessment. 6th. Rate of interest the certificate shall bear, and the date when said interest begins to accrue. 7th. The time when foreclosure proceedings may be commenced. 8th. And such other data or information as the City Council may by ordinance prescribe.

Sec. 335. Special assessment lien certificates shall bear interest beginning sixty days after the date of issue thereof at a rate to be fixed by ordinance not exceeding eight per centum per annum, and no interest charge, or collection for interest shall be made for the first sixty days of the life of any certificate.

Sec. 336. Special assessment lien certificates shall be prima facie evidence that: 1st. The improvement was legally authorized and completed, and the assessment duly made, as required by law. 2nd. The property described in such certificate was assessed in the amount as shown, and that the same is unpaid, and a valid lien.

Sec. 337. Upon payment to the City Treasurer of the amount of principal and interest due on any assessment or special assessment lien certificate, the lien for such assessment shall be

cancelled and discharged. The City Treasurer shall issue a receipt in duplicate to the person paying the same, one of which shall be filed with the City Comptroller. Immediately after receiving such payment the City Treasurer shall enter such payment on the assessment roll, and shall notify by publication or otherwise the holder of the certificate issued for the assessment so paid, and said holder shall surrender such certificate to the City Treasurer, after receipting thereon for the amount received. The City Treasurer shall thereupon cancel such certificate, and the same shall be filed with the City Comptroller as a paid voucher.

Sec. 338. Any time after the expiration of six months from the date of issuance of a special assessment lien certificate, the holder thereof may commence foreclosure proceedings in the Superior Court, and said certificate shall be foreclosed in the same manner, and with the same effect as mortgages upon real estate are foreclosed. A period of one year from and after the sale under such foreclosure shall be allowed for redemption, which redemption shall be made upon the same terms and conditions as in the case of redemption of property under foreclosure of mortgages, as provided by law. Any number of certificates issued for the same improvement may be foreclosed in one action.

Sec. 339. The deposit with the City Treasurer of a special assessment lien certificate for cancellation shall operate as a release of the lien against the lots or lands therein described, created under and by virtue of the issuance of such certificate.

Sec. 340. Whenever the cost of any local improvement shall be made payable in yearly installments, the City Comptroller shall, as the City Council may by ordinance prescribe, issue special assessment lien certificates to which shall be attached coupons for the amount of the several yearly installments respectively. Said certificates shall not be issued for a longer period than ten years and shall bear a rate of interest to be fixed by ordinance, not exceeding eight per centum per annum. Foreclosure proceedings may be commenced upon any such certificate, or coupon thereof, after the expiration of six months from the date the same is due, and the same proceedings shall be had as in the foreclosure of a special assessment lien certificate as provided in Section 338 of this Charter.

Sec. 341. The owner of any piece of property, or any other person interested therein, upon which a special assessment has been levied, and a special assessment lien certificate issued thereon may pay to the City Treasurer at any time the full amount of all assessments included in any certificate issued, or the amount of one or more yearly installments thereof, by paying in addition thereto the interest on the installment or installments so paid to the time of the maturity of the next installment, and upon such payment the said property shall be discharged from the liens for the years so paid.

Sec. 342. In case a reassessment is made for any street improvement for which special assessment lien certificates have been issued, the City Comptroller shall call in the original certificates and issue in lieu thereof new certificates to conform to said reassessment.

Sec. 343. The City Council may, in its discretion, exercise the authority conferred by this optional method. Nothing herein contained shall be construed to prevent or prohibit the payment, collection or foreclosure of any local improvement assessment in the manner as otherwise provided in this Charter, or by law,

but the authority hereby conferred and the ways and means hereby authorized, shall be considered as additional and concurrent or optional.

Nothing herein contained shall be construed as making the city liable to the holder of any special assessment lien certificate and the holder of such certificate shall look only to the assessment made for the payment of such certificate, and shall have no claim therefor against the city.

Finance and Taxation.

Sec. 344. The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

Sec. 345. The City Council shall have power and authority to assess, levy and collect taxes upon all the real and personal property (not exempt from taxation), within the city, for the corporate uses and purposes of, and to provide for the payment of the debts and expenses of the city.

ec. 346. The aggregate of all taxes levied for city purposes; exclusive of bond interest and sinking fund levies, shall not exceed in any one year, eight mills on each dollar of valuation of taxable property. The City Council also has the power and authority, at the same time the other levy or levies all taxes are made as provided in this section, to levy the taxes necessary to pay the interest accruing during the year on the bonded indebtedness of the city, and for the payment or redemption of the bonded indebtedness of the city.

ec. 347. A greater tax than that authorized herein may be levied by the City Council for any purpose authorized by law, if the proposition to make such additional levy shall be first submitted to a vote of the electors of the city under an ordinance prescribing the time, place and manner of voting on the same, and approved by a three-fifths vote of those voting on the proposition.

Sec. 348. The City Council shall have power to provide for the assessment and collection of a street poll tax, not exceeding two dollars per poll, on all male inhabitants between the ages of twenty-one and fifty years, inclusive.

Sec. 349. The City Council shall make no appropriations in aid of any corporation, person or society, unless expressly authorized by this Charter, or the laws of the state.

Sec. 350. All money accruing to or belonging to the City of Bellingham shall be under the control of the City Council, and shall be paid out, when authorized, by warrants drawn on the City Treasurer, signed by the Mayor and countersigned by the City Comptroller. All warrants shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. Every warrant shall specify the purpose for which it is drawn, and the fund out of which it is to be paid; provided, however, the City Council may provide for pay-rolls and for the manner and method of the payment thereof; and provided further, that no single warrant shall be drawn or issued in any sum in excess of five hundred dollars.

Sec. 351. The City Council shall have power to appoint from its members a committee consisting of three, to be denominated the Finance Committee, and to fill all vacancies in said committee. Such committee shall have power to investigate the transactions and accounts of all officers having the collection, custody and disbursement of the public money, or having the power to

approve, allow or audit demands on the City Treasurer. It shall have free access to any record, books and papers in all public offices, and shall have the power to administer oaths or affirmations, and to examine witnesses, and to compel their attendance before it by subpoenae. Said committee, or either of them, may visit any of the public offices whenever, and as often, as they think proper, and make their examinations and investigations without hindrance. It shall be the duty of said committee, as often as every six months, to examine the official bonds of all city officers and depositories of the city funds inquire into and investigate the sufficiency and solvency of the sureties, and report the fact to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and such report shall further state whether or not such sureties are deemed sufficient and solvent. Upon the filing of any report with the Mayor by said committee, wherein the bond of any officer shall be deemed insufficient, the Mayor shall so act as to protect the city and require new bonds whenever necessary, and he may in his discretion suspend such officer and report the same to the City Council for action until sufficient bond is filed and approved. Said committee shall keep a record of its proceedings, with the names of witnesses examined, and a substantial statement of evidence taken. If, from the examination made by the said committee, it shall appear that a misdemeanor in office or defalcation has been committed by any of the officers of the city, said committee shall make a report to the Mayor, who, if he approve such report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and the orders of said committee.

Sec. 352. The Finance Committee shall, immediately after being appointed and quarterly thereafter, make a thorough examination of all the books of the City Comptroller and City Treasurer, and report the result of such investigation to the City Council.

Sec. 353. There is hereby created an Auditing Committee, which shall consist of the Mayor, the City Comptroller, and the three members of the Finance Committee. The Mayor shall be chairman of this committee and the Comptroller shall be secretary of the same, but in the absence of either from meetings of the committee, a temporary chairman and secretary may be chosen by the committee to act. The Auditing Committee shall hold stated meetings once in each month and may adjourn from time to time. It shall be the duty of this committee to examine and allow, or reject and disallow, all claims and demands of whatever nature, except salaries of city officers, as fixed by this Charter, which may be presented against the city, and the City Comptroller shall not draw a warrant for any claim or demand, except such salaries, unless the same has been approved by a majority of the whole Auditing Committee.

Sec. 354. All demands, bills and claims which may arise against the city, including the payment of all the employees of the city, whether under regular monthly salary or not, except salaries of city officers as fixed by this Charter, shall be duly verified, as hereinafter provided, and be filed with the secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer same to said Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part; and, if allowed, designate the particular fund from which they are to be paid, and indorse upon

the back of each claim or demand the date of its allowance or rejection, the amount allowed, and also the section of the Charter, number of ordinance, number of contract, resolution or other order under which the said claim or demand was authorized or contracted for. These indorsements shall be verified by the signatures of the chairman and secretary of the Auditing Committee. All claims or demands, after being allowed or disallowed, shall be forthwith reported to the City Council for final action.

Sec. 355. All demands and claims against the city, hereinbefore required to be verified, shall be subscribed and sworn to before the City Comptroller, or some other officer authorized to administer oaths. Each claim or demand must be accompanied by a detailed statement of the items, which shall be attached thereto and made a part thereof. The secretary of the Auditing Committee shall attend all meetings of said committee and keep a correct record or journal of the proceedings of said committee.

Sec. 356. The following funds are hereby established:

The Water Fund, into which shall be paid all revenues derived from the Water Department, and from which shall be paid all expenses of operation and maintenance of the water system.

The Park Fund, from which shall be paid all expenses incident to the acquisition, maintenance, ornamentation and improvement of the parks, park drives, boulevards and public places in the city.

The Cemetery Fund, from which shall be paid all expenditures incident to the acquisition, care and improvement of public cemeteries owned by the city.

The Library Fund, from which shall be paid all expenditures incident to the public libraries of the City of Bellingham.

The Bond Interest Funds, from which shall be paid the interest annually accruing on the bonded indebtedness of the city.

The Sinking Fund, which shall be used for the purchase, payment or redemption of the bonded indebtedness of the city.

The General Fund, into which shall be paid all revenues of the city except as otherwise provided by law, or this Charter, and from which shall be paid all expenses and liabilities of the city which are not payable from other funds.

Sec. 357. The several funds in the treasury, authorized by law, at the time this Charter takes effect or provided for by this Charter, shall continue therein so long as there shall be occasion therefor, and the moneys in such funds, or which may belong thereto, shall not be used for any purpose other than that for which the same were raised, except as otherwise provided in this Charter.

Sec. 358. When the necessity for maintaining any fund of the city has ceased to exist and a balance remains in such fund, the City Council shall so declare, by ordinance, and upon such declaration such balance shall be forthwith transferred to the General Fund.

Sec. 359. The City Council may, from time to time, establish such other funds as it may deem necessary, and the percentage of each annual tax levy shall be named for each fund, and the whole amount of taxes received by the city apportioned to said several funds accordingly.

Sec. 360. The City Council, except as otherwise provided in this Charter, may by ordinance determine and designate to what funds shall be apportioned all moneys accruing to or belonging to the city.

Sec. 361. The City Council shall have power to make a levy

in excess of eight mills, as provided in Section 346 of this Charter for the purpose of paying judgments against the city, and providing money for the redemption and settlement of warrants legally issued for public purposes, by the former cities of Whatcom or New Whatcom and Fairhaven, but nothing in this section shall be construed to render the city liable for the payment of warrants issued for local improvements, and provided further, that the levies for the payment of such warrants shall apply only to the property of the city issuing said warrants.

Sec. 362. On or before the third Monday of August of each year, the City Comptroller shall prepare and transmit to the Mayor and the City Council, accompanied with estimates and reports of each department, which he shall require to be delivered to him from the head of each department on or before the first day of August of each year, an estimate of the probable necessities of the city for the ensuing fiscal year, giving the amount required to meet the Interest and Sinking Funds, if any, for any and all outstanding bonds, together with the amount needed for salaries and probable wants of all departments of the city government, in detail, and showing the necessities of each of the several funds to be provided for. The estimate shall also show as nearly as may be, what amount of income and revenue is likely to accrue to the treasury and be collected from fines, licenses and all other sources of revenue, exclusive of taxes on property, and he shall give an estimate of what amount will be required to be levied and raised from taxation of property in the city, in order to meet the necessities of such fiscal year, said estimates to be based upon, where practicable, the receipts and expenditures of the fiscal year preceding, and, at the same time, the City Comptroller shall report to the Mayor and the City Council the balance on hand in each fund. The City Comptroller shall also submit a detailed statement of all receipts and disbursements of the city, of all warrants issued and on what funds, of outstanding warrants on each fund, and cash balance in each fund, for the year ending June 30th preceding.

Sec. 363. The Mayor shall carefully examine the various reports submitted to him by the city officers, and shall communicate to the City Council, from time to time, a statement of the finances of the municipality and such other information relating thereto, and to the general condition of the affairs of the city, as he may deem proper, or as may be required by the City Council. He shall, on or before the third Monday in September of each year, submit to the City Council the annual budget of current expenses of the municipality, which shall be recorded in the minutes by the City Clerk, any item of which may be refused or omitted or increased or diminished or new items substituted therefor, by the City Council, but the City Council shall not increase the total of said budget. In the making of such annual budget, the Mayor shall have power to revise and change any and all items in the annual estimates furnished to him by the City Comptroller. He shall, at the time of submitting said budget, and at such other times as he may deem expedient, report to the City Council concerning the affairs of the city, and make such recommendations to the City Council as he may deem proper for the welfare of the municipality.

Sec. 364. The City Council shall, on or before the first Monday in October in each year, by ordinance, fix the rates to be levied, and levy the taxes upon all taxable property, both real and personal, in the city, needed to raise sufficient revenue to carry

on the different departments of the municipal government for the ensuing fiscal year. Provided, that the annual levy shall not exceed by more than 5 per cent the amount of the budget submitted by the Mayor, after taking into consideration the probable revenues from licenses and from all sources other than from taxes. All moneys realized from any tax levy made for any specific purpose indicated in said budget shall be expended for such purposes only, unless the City Council shall by a vote of two-thirds of all the members thereof direct that the same be expended for some other purpose lawfully payable from the same fund.

Sec. 365. The certification of levy and extension, collection and payment to the city of city taxes, and the enforcement of the collection of the same, shall be in conformity to the laws of the State of Washington governing the same.

Sec. 366. The City Council shall make, at the beginning of each fiscal half year, appropriations for each of the several objects for which the city has to provide, out of the moneys in the treasury or estimated to come into it during the six months next ensuing, from the collection of taxes and all other sources of revenue constituting legal assets. All expenditures within the following six months shall be made with and within such appropriations. All unexpended appropriations or balances of appropriations remaining over at the end of the year, and all balances remaining over at any time after a fixed charge shall have been terminated by reason of the object of the appropriation having been satisfied or abandoned, shall revert to the funds from which they were taken, and they shall then be subject to such other authorized uses as the City Council may determine. In making the semi-annual appropriations and apportionments herein required, the City Council shall have authority to set apart, out of any moneys not otherwise appropriated, such sum as it shall deem proper as a Contingent Fund to provide for any deficiency in any of the detailed appropriations so to be made, which deficiency may lawfully, and by any unforeseen emergency happen; and such Contingent Fund, or any part thereof, may be expended for any such emergency only by an ordinance passed by two-thirds of all the members of the City Council and approved by the Mayor, and any balance remaining in such Contingent Fund at the end of the fiscal year shall be subject to reappropriation.

Sec. 367. No contract, agreement or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the City Council, or by any board or officer of the city, unless the City Comptroller shall first certify to the City Council that said expenditure is within the appropriations theretofore made, and that such expenditure, together with all previous expenditures payable therefrom, will not exceed the appropriations made for such purpose, which certificate shall be filed and recorded, and the sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation, or so long as the ordinance, resolution or order is in force; and all contracts, agreements or other obligations, and all ordinances, resolutions and orders entered into or passed contrary to the provisions of this section, shall be void, and no part whatever shall have any claim or demand against the city thereunder; nor shall the City Council, or any board, officer or commissioner, have any power to waive or qualify the limits fixed by such ordinance, resolution or order,

or fasten upon the corporation any liability whatever for any excess of such limits or release any party from an exact compliance with his contract under such ordinance, resolution or order; nor shall any member of the City Council, board, officer or commissioner of the city, have any interest in the expenditure of money on the part of the city, other than his fixed compensation and the violation of any provision of this section shall disqualify the party violating it from holding any office or trust or profit in the City of Bellingham, and render him liable to the city for all sums of money or other thing he may receive contrary to the provisions of this section; and, if in office, he shall be dismissed therefrom; provided, however, that the Council may authorize a contract with any person, firm or company for lighting the streets, alleys, lands, lanes, squares, or public places in the city, or for furnishing water to the city, or for the collection and disposal of garbage in said city, or for the leasing of the electric light plant and equipment, or the water work plant, or both, of any person, firm or company therein situated, for a period not exceeding ten years, and the requirement of a certificate that the necessary money is appropriated and unexpended shall not apply to such contract; provided, further, that such requirement shall not apply to street improvement contracts where the whole or part is payable by property benefited, nor to contracts made by the Board of Health.

Sec. 368. The City Comptroller shall not allow the amount set aside for any appropriation to be overdrawn, or the amount appropriated for one item of expense to be drawn upon for any other purpose.

Sec. 369. The Mayor, City Comptroller and City Treasurer of the city, and one member of the Finance Committee of the City Council, which member shall be designated by the City Council, shall constitute and be designated a Sinking Fund Commission. Any three of the officers named, of whom the City Comptroller shall be one, shall be, and are hereby authorized to discharge the duties and trust hereby vested in them, but shall not receive any additional compensation or salary for such services. The City Council may require from these officers bonds for the faithful performance of their duties.

Sec. 370. Said commission shall negotiate the sale of all bonds of the city, in accordance with the provisions of the ordinance under which said bonds may be issued. They shall, from time to time, invest the moneys of the city, which shall constitute a sinking fund, for the redemption of the city debt, or any surplus interest to the credit of the Bond Interest Fund in the purchase of bonds issued by the city, or in city warrants, at the market price, not exceeding the par value thereof.

Sec. 371. If at any time such investment cannot be made, then said commission may invest said funds in interest-bearing securities of the County of Whatcom, School District No. 81 of said county, or of the State of Washington.

Sec. 372. No money belonging to the Sinking Fund or Interest Funds shall be loaned to any person or corporation.

Sec. 373. Whenever any of the moneys constituting the Sinking Funds for the redemption of the city debt, shall be required for investment as above mentioned, or for the redemption of any city bonds at their maturity, said commission shall report the amount of money so required to the City Comptroller, who shall certify the sum to the City Council, and thereupon said City Council shall authorize an order to be drawn on the City Treasurer,

directing him, upon delivery of the securities purchased, to pay for the same, or to make the required payment of principal or interest maturing on the said bonds.

Sec. 374. It shall be the duty of the City Comptroller to keep a correct journal of the proceedings of the said commissioners, to be verified by any three of them, himself being one, and once in each year, or oftener, if required, to render to the City Council a full and detailed report of the proceedings of the said commissioners. All acts of the said commissioners shall be based upon resolutions duly entered in said journal.

Sec. 375. In case of vacancy in office or inability of any of said commissioners to attend to the duties imposed, it shall be the duty of said City Council to designate, by resolution, one or more of their number to supply the place of said commissioner or commissioners for the time being.

Sec. 376. All bonds and securities purchased by the said commissioners shall be held for safe keeping by the City Treasurer.

Sec. 377. Whenever any of the city bonds shall be paid, a record thereof shall be made in the journal of the commission, and the bonds shall be cancelled and burned in the office of the City Comptroller under the direction and supervision, and in the presence of said commissioners, who shall certify to such destruction.

Sec. 378. It shall be the duty of said commissioners to protect the credit of the city, and direct and superintend the payment of interest and the bonded indebtedness of the city, whenever said interest or bonds may be payable.

Sec. 379. The city may borrow money, to be used for strictly municipal purposes, and may incur indebtedness in other ways for such purposes, but it shall not, for any purpose, become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in said city without the assent of three-fifths of the voters in the city voting at an election to be held for that purpose, nor, in cases requiring such assent, shall the total indebtedness of the city at any time exceed five per centum of the value of all the taxable property in the city, to be ascertained by the last assessment made for city purposes, provided, that the city, with such assent, may become indebted in a larger amount, not exceeding five per centum additional, for the purpose of supplying the city and its inhabitants with water, artificial light and sewers, when the works for supplying such water, light and sewers, or either of them, are owned and controlled by the city.

Sec. 380. To secure any existing indebtedness of the city, or any indebtedness about to be incurred, the city may, by ordinance, authorize the issuance of bonds of the city therefor, and pledge the faith and property of the city for the payment of such bonds, and direct the time and manner of issuance of the same, and the time and manner of the payment of both principal and interest thereon, and may from time to time authorize the refunding of any indebtedness of the city.

Sec. 381. No bonds shall be sold until they have been advertised for sale at least sixty days preceding the day of sale, nor shall any bonds of the city be sold for less than par and accrued interest, or issued for a longer time than twenty years.

Sec. 382. Whenever it shall appear to the City Council to be for the best interests of the city to renew or refund any bonded indebtedness of such city, which shall not have matured, and thereby reduce the rate of interest thereon, such City Council shall have power, by ordinance, to authorize the issuance for that

purpose, of new bonds with semi-annual interest coupons attached, and to exchange the same with the holder or holders of such outstanding bonds, if such holder or holders consent to make such exchange, and such reduction of interest. When new bonds are issued, the same shall not in any case exceed in amount the outstanding bonded indebtedness to be renewed or refunded.

Sec. 383. All provisions in this Charter relating to the issuance, funding, refunding, purchase or redemption of bonds of the City of Bellingham shall apply with equal force to any bonds heretofore issued and outstanding of the former cities of Fairhaven, Whatcom or New Whatcom; provided, always, that the bonds issued or taxes levied for the payment of said bonded indebtedness shall be against the property only included within the territory comprising the corporation that issued the bonds, as existing at the time of the issuance thereof.

Sec. 384. The City Council, after taxes have been levied in any year shall have the power to make temporary loans in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes have been levied, and to no other purpose, and such taxes shall be inviolably applied to pay such loans, but no loan shall be made in excess of fifty per centum of the total tax levy after deducting all warrants already drawn against the same, nor shall a greater rate of interest than seven per cent per annum be paid thereon and the city, to make this section effective, may issue certificates of indebtedness as prescribed by ordinance.

Sec. 385. No debt or obligation of any kind against the city in excess of one thousand dollars, shall be created by the City Council except by ordinance specifying the amount and object of such expenditure.

Sec. 386. The City Comptroller shall exercise general supervision over the financial affairs of the city. He shall number and keep a record of all demands against the city showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener, if required, report to the Mayor and City Council the condition of each fund in the treasury. He shall make annual reports to the City Council, and to the Mayor, on his request, of the financial condition and requirements of the city, with a careful statement and estimate of the receipts and expenditures. He shall keep a complete set of books for the city, in which shall be set forth, in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenues are derived and how expended. He shall issue all licenses in accordance with the law, on presentation to him of a receipt from the City Treasurer, showing that the license fee has been paid, and shall countersign all warrants upon the City Treasurer. He shall keep publicly posted in his office a list of all persons receiving salaries from the city, with the amount of monthly salary received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to public examination. He shall regulate and harmonize the bookkeeping methods in all departments of the city, and monthly examine and audit the books of all city officers receiving moneys belonging to the city,

and report the result of such examinations to the Mayor. He shall perform such other duties as this Charter or the City Council may direct, and may appoint such regular or temporary deputies in his office as the City Council may authorize, whose compensation shall be fixed by ordinance.

Sec. 387. The City Comptroller shall be ex-officio City Clerk, and his deputies as City Comptroller shall be his deputies as City Clerk.

Sec. 388. As City Clerk, he or a deputy shall attend all meetings of the City Council, and keep a full and complete record of the proceedings thereof, and he shall have the custody of the city seal, the public records, except such as are intrusted by the provisions of this Charter to other officers; the original rolls of ordinances; the original contracts, deeds and certificates relative to the title of any property of the city; all official indemnity or security bonds, except his own bond, and such other records, papers and documents of value as are not required to be deposited with any other officer; and he shall attest all public instruments and official acts of the Mayor by his signature and the city seal; and shall also certify, under his hand and the seal of the city, all copies of such original documents, records and papers in his office, as may be required by any officer or person, and charge therefor such fees, for the use of the city, as are or may be provided by ordinance and he shall perform such other duties as may be in this Charter prescribed, and also such as the City Council may direct, consistent with this Charter. The City Comptroller, as such, and as City Clerk, and his deputies, shall have authority to take affidavits and administer oaths in the transaction of all city business.

Sec. 389. The City Treasurer shall receive all moneys belonging to the city, including taxes, license money, fines, and all other revenues of the city, and shall keep an accurate and detailed account thereof, and pay out all moneys of the city, upon warrants duly issued, as provided in this Charter. He shall keep a true and accurate account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance, and shall do all things required of him by this Charter, or ordinances, or the general laws of the state. It shall be the duty of the City Treasurer to receipt for the moneys of the city, and pay out the same only on warrants drawn in pursuance of the order of the City Council, signed by the Mayor and countersigned by the City Comptroller, except as herein otherwise provided. He shall each day, except Sundays and legal holidays, render to the City Comptroller a statement of receipts and disbursements and specify each fund and how affected. He shall also once in each week, make a statement, under oath, to the City Comptroller, showing where the city funds are kept, and in what amounts, and it shall be the duty of the City Comptroller to forthwith verify each such statement. He shall issue a call for outstanding warrants on any fund, whenever there are sufficient funds in his hands to call one or more warrants, interest to cease ten days after the publication of the first notice. Warrants shall be paid in the order of their number and date of issue, and shall be charged to their respective funds. Such call shall be made by publication in the city official newspaper for one issue, and shall be made within fifteen days after the required amount of money is in said fund. He shall account for, and pay over all moneys on hand, as such City Treasurer, to his successor in office, and deliver all books, vouchers and ef-

fects of the office to him, and such successor shall receipt therefor.

Sec. 390. The City Treasurer's books shall be at all times in business hours open to public inspection, subject to such reasonable rules and regulations as the City Council may, by ordinance, prescribe.

Sec. 391. Every officer or agent for the city, or other person, who shall receive or have in his hands any money belonging to the city, shall immediately pay over the same to the City Treasurer, and take his receipt therefor, in duplicate, one of which receipts shall be delivered to the City Comptroller, by the party paying over the money. If any such officer, agent or other person shall fail to pay over to the City Treasurer any money so received, or to deliver to the City Comptroller such receipt of the City Treasurer, except as otherwise provided in this Charter, for more than forty-eight hours after the money or receipt shall have been received by him, such officer, agent or other person shall forfeit to the city double the amount of money so received, or for which such receipt was given, to be recovered by a civil action brought by the city against him in a court of competent jurisdiction.

Sec. 392. The City Council shall have authority to provide, by ordinance, for the deposit of all public moneys coming into the hands of the City Treasurer, in such bank or banks, situated within the city, which may offer at competitive bidding, the highest rate of interest and give good and sufficient bonds of some surety company authorized to do business in the State of Washington, or by the deposit of approved securities in a sum at least double the amount to be deposited, and determine in such ordinance the method by which such bids shall be received, the authority which shall receive them, the time for which contracts for the deposits of public moneys may be made, and all details for carrying into effect the authority here given; provided, that all such proceedings in connection with such competitive bidding and deposit of such moneys shall be conducted in such manner as to insure full publicity, and shall be open at all times to the inspection of all citizens; and, provided further, that as to any deposits made under authority of an ordinance of the City Council, pursuant hereto, neither the City Treasurer nor his bondsmen, if the Treasurer has exercised due care, shall be liable for any loss occasioned thereby.

Sec. 393. The City Council shall, once in each year, and not less than twenty nor more than sixty days before the annual election, cause to be printed in the city official paper, or in pamphlet form, as in its discretion may seem most economical, a full and intelligent statement of all the receipts and expenditures of every description for the twelve months ending the 30th day of June immediately preceding, including all of the moneys which have passed through the hands of the City Treasurer for any purpose whatever, together with the different sources of revenue, the amount received from each, the several appropriations made by the City Council, the objects for which the same were made, and the sums expended for each, and any money borrowed upon the credit of the city, whether by temporary loans or the issue of bonds, the terms upon which it was obtained, the authority under which it was borrowed, and the purpose to which it was applied, and how much of the same, or other city indebtedness has been paid, and by what means. The statement shall also include a detailed account of city property, personal and real, its value,

and, if rented, to whom and on what terms, and all existing debts of every description, and of the condition of the Sinking Funds, with all other information necessary for a full understanding of the financial condition of the city. If the City Council shall cause such statement to be printed in pamphlet form, it shall procure not less than five hundred, nor more than one thousand copies of the same, and present one copy to any citizen of the age of twenty-one years and upward, making application therefor, until the supply shall have been exhausted. If printed in the official newspaper, the City Council may dispense with the printing thereof in pamphlet form.

Law Department.

Sec. 394. The City Attorney shall have, in addition to the qualifications of an elective officer, as provided in this Charter, the following qualifications: He shall be an attorney of the Supreme Court of the State of Washington, and shall have been in the practice of his profession in the City of Bellingham for at least three years next prior to his election.

Sec. 395. He shall bring and prosecute all actions at law and in equity, and all special proceedings which may be directed by the Mayor or City Council; and he shall defend all actions or proceedings to which the city, or any officer, board or department thereof, is a party, whenever the rights of the city are involved. He shall give legal advice in writing to the Mayor, City Council, and to all boards and departments when requested by them, in writing, and to any officer when directed by the Mayor or City Council so to do.

It shall also be his duty to draft all ordinances of the city when required so to do by the City Council; also all bonds, contracts, leases, conveyances, and such other instruments as the business of the city may require. He shall also inspect and examine all special assessment rolls, and all proceedings in reference to the levy and collection of assessments for local improvements.

Sec. 396. It shall also be the duty of the City Attorney to conduct all prosecutions for public offenses committed against any of the ordinances, and to appear for that purpose in any court wherein the same may be pending. It shall also be his duty to commence actions on all forfeited bail bonds within thirty days after they are declared forfeited, and he shall diligently prosecute the same. No action on a bail bond shall be compromised except by authority of the City Council. When judgment has been rendered in an action on a bail bond, and any property is exposed for sale on execution in such action, the City Attorney may bid, and, if necessary, purchase said property for and in the name of the city, at a price not exceeding the amount of the judgment covering on such bond.

Sec. 397. He shall keep properly indexed, books of record of all actions and proceedings instituted in the name of the city, or deferred by it, or any of its officers acting in their official capacity, and all briefs used in causes wherein he appears, and duplicates of all special communications by him to the City Council or any officer, board or department, and of all opinions given by him. Such records, communications and opinions shall be property of the city, and shall be delivered by him to his successor in office.

The City Attorney shall perform such other duties as may be prescribed by ordinance.

Sec. 398. Within five days after the qualification of the first Mayor elected under this Charter, he shall appoint one of the present Justices of the Peace residing within the City of Bellingham, who may be qualified under the law, the Police Judge of the City of Bellingham, and the Police Judge so appointed shall, before entering upon the duties of his office as such Police Judge, give such additional bond for the faithful performance of his duties as the City Council may by ordinance direct and prescribe. And he shall hold office until the appointment and qualification of his successor, to be appointed within ten days after the date of the general election to be held in the year 1904, as in the next succeeding section hereof provided.

Sec. 399. Within ten days after the general election held in the year 1904, and within ten days after each general election, the Mayor of the city shall appoint one of the Justices of the Peace elected at such general election within the City of Bellingham, the Police Judge of said city, who shall, before entering upon the duties of his office as Police Judge, give such additional bond for the faithful performance of his duties as the City Council may, by ordinance direct and prescribe, and he shall hold office for the term of two years, or until his successor is appointed and qualified.

Section. 400. The Police Judge so appointed, in addition to his powers as Justice of the Peace, shall have exclusive jurisdiction over the offenses defined by any ordinance of the City of Bellingham, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon, and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith.

Provided, that for the violation of a criminal ordinance, no greater punishment shall be imposed than a fine of one hundred dollars, or imprisonment not to exceed thirty days, or by both such fine and imprisonment. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such Police Judge, and judgments rendered by him, shall be subject to review in the Superior Court of Whatcom County, Washington, by writ of review or appeal.

Sec. 401. All criminal process issued by such Police Judge shall be in the name of the State of Washington, and run throughout the state, be directed to the Chief of Police, Marshal or other public officer of the City of Bellingham, or any other city, or to any sheriff or constable in the state, and shall be served by the officer to whom the same may be directed.

Sec. 402. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

Sec. 403. The Police Judge shall not be entitled to any fees or any compensation other than the salary to be prescribed by ordinance, as elsewhere in this Charter provided; but it shall be his duty to charge up as costs in all civil and criminal cases, arising from the violation of city ordinances, the same fees as are charged by Justices of the Peace for like services, in every action, and all fees so charged and collected by him, and all fines and forfeitures paid to him, shall belong to the city, and be paid by him weekly into the city treasury of the city.

Sec. 404. The Police Judge shall, in the conduct of the business of the court, give preference to cases arising under ordinances of the city; then to prosecutions for violation of the criminal laws of the State of Washington within the city; then to civil cases coming before him upon change of venue from other Justice of the Peace in the city. No change of venue shall be allowed from the Police Judge in actions brought for violations of city ordinances.

Sec. 405. In case of the temporary absence or inability of the Police Judge to act, the Mayor shall appoint from among the practicing attorneys, who shall be electors of the city, a Police Judge pro tempore, who, before entering upon his duties as such, shall take and subscribe an oath as other judicial officers, and while so acting he shall have all of the powers of the Police Judge; provided, however, such appointment shall not continue for a longer period than the absence or disability of the Police Judge. Such police Judge pro tempore shall receive, as compensation for his services, pay at the rate of \$5.00 per day.

Sec. 406. The city shall provide a suitable place for holding court by such Police Judge, and shall pay all the expenses of maintaining the same.

Sec. 407. Such Police Judge shall keep all city cases separate from those coming under his jurisdiction as Justice of the Peace, and he shall, at the expiration of his appointment, or whenever he shall cease to act as Police Judge, deliver up any dockets, books and papers pertaining to such cases, to the person or officer succeeding to his duties.

Sec. 408. Such Police Judge shall make a monthly report to the City Council of all cases tried before him, of all fines imposed, and of all fees, fines, forfeitures and costs collected, showing therein the disposition that has been made of such moneys.

Sec. 409. The Police Judge shall have such other powers and perform such other duties as may be prescribed by law.

MISCELLANEOUS.

Sec. 410. All claims for damages against the city must be presented to the City Council and be filed with the City Clerk within sixty days after the time when such claim for damages accrued, and no ordinance shall be passed allowing any such claim, or any part thereof, or appropriating money or other property to pay or satisfy the same, or any part thereof, until such claim has first been referred to the proper department or committee, nor until such department or committee has made its report to the City Council thereon, pursuant to such reference. No action shall be maintained against the city for any claim for damages until the same has been presented to the City Council and sixty days has elapsed after such presentation.

All such claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury, give the residence for one year last past of the claimant, contain the items of damages claimed, and be sworn to by the claimant.

Sec. 411. Except when otherwise provided by law or this Charter, all public offices shall be kept open for business every day except Sundays and legal holidays, from eight o'clock to twelve o'clock in the forenoon, and from one o'clock until five o'clock in the afternoon.

Sec. 412. All improvements of streets, alleys and public places in the City of Bellingham, or in any of the municipalities

formerly comprising any part of the territory now embraced within said city, which may have been begun and may remain uncompleted at the time this Charter takes effect, shall be completed in accordance with the laws and ordinances existing at the time such improvements were ordered. All suits and actions pending in any court, to which the city or either of said former municipalities is a party, shall not abate, but the same shall proceed and be determined in accordance with the laws and ordinances existing at the time of the institution thereof; and all fines and forfeitures in favor of said city, or either of said former municipalities, shall be enforced and recovered in accordance with the laws and ordinances existing prior to the adoption of this Charter.

Sec. 413. All special assessments levied and remaining unpaid at the time this Charter shall go into effect, shall be collected as provided by the laws and ordinances existing and in effect at the time the same were levied.

Sec. 414. Any and all ordinances heretofore passed by the City of Bellingham and in force at the time this Charter takes effect, not inconsistent with this Charter or the constitution and laws of the State of Washington, shall be and remain in full force and effect until repealed or rescinded or until they expire by limitation.

AMENDMENTS.

Sec. 415. Any amendment or amendments to this Charter may be proposed in the City Council, and if the same shall be agreed to by a majority of all the members elected, such proposed amendment or amendments shall be entered upon the journal with the yeas and nays of the members voting thereon. Upon the passage of any such amendment or amendments, the same shall be submitted to the electors of the city for their ratification, at the next general election, which shall be at least sixty days after the adoption of such proposed amendment in the City Council; and if at such election any such amendment shall be ratified by a majority of the qualified electors voting thereon, the same shall thereby become a part of this Charter, and within five days after such election the Mayor shall proclaim such amendment or amendments a part of this Charter, and shall then cause such proclamation to be published in the city official newspaper; Provided, that if more than one amendment be submitted at the same election, the same shall be submitted in such manner that each proposed amendment may be voted on separately without prejudice to others.

Sec. 416. Whenever a petition of a number (equal to fifteen per cent. of the total number of votes cast at the last preceding municipal election), of the qualified voters of the City of Bellingham, asking the adoption of a specified Charter amendment, providing for any matter within the realm of local affairs or municipal business shall be presented to the City Council the said amendment shall be submitted to the voters at the next regular municipal election, occurring thirty days or more after such petition is filed, and if approved by a majority of the local electors of the municipality voting upon it, such amendment shall become a part of this Charter.

Sec. 417. Such submission shall be by resolution of the City Council, and within five days after such election the Mayor shall, in case of the approval of such specified Charter amendment in the manner aforesaid, proclaim the same a part of

this Charter, and shall then cause such proclamation to be published in the city official newspaper; provided, that if more than one amendment is petitioned for and submitted at the same general election, the same shall be petitioned for and submitted in such a manner that electors may vote for or against each amendment separately without prejudice to others.

Sec. 418. The petition containing the demand for the submission of any proposed Charter amendment shall be filed with the City Clerk, and each signer of such petition shall write his occupation and residence after his signature, and the genuineness of the signatures on such petition shall be attested by the affidavit of a qualified voter.

Sec. 419. After the passage of any such proposed amendment by the City Council, or after the passage of a resolution providing for the submission of a proposed amendment when petitioned for, the City Clerk shall cause the same to be published in two daily newspapers published in the City of Bellingham, for at least thirty days preceding such general election.

FINAL CERTIFICATE.

State of Washington, County of Whatcom, City of Bellingham,
ss.

We, the undersigned, hereby certify, that at an election held in the City of Bellingham on the 1st day of March, 1904, under the provisions of an ordinance duly passed by the legislative authority of said city (said city then and there containing a population of more than 20,000 inhabitants, as ascertained by a census thereof, theretofore taken as provided by law), and under and in accordance with the provisions of Section 10, Article XI, of the Constitution of the State of Washington, and of an act of the legislature of said state, approved March 24, 1890, entitled "An act to provide for the government of cities having a population of 20,000 or more inhabitants, and declaring an emergency to exist," the qualified electors of said city did elect fifteen freeholders of said city, who had severally been residents of said city for a period of at least two years preceding the date of said election, and who were each qualified electors of said city, at the date of said election, as a commission for the purpose of framing a Charter for The City of Bellingham; that said fifteen freeholders did convene for said purpose within ten days after their election, to-wit, on the 10th day of March, A. D. 1904, and did proceed to, and did frame the foregoing as such Charter and said freeholders having prepared and framed the same, we the undersigned, being a majority of all said freeholders, so elected, as aforesaid, do now propose and submit the foregoing as such Charter to the legislative authority of The City of Bellingham as a Charter for said city.

In witness whereof, we have hereunto set our hands this 25th day of April, one thousand nine hundred and four.

LIN H. HADLEY
GEORGE BUTLER
H. A. COMPTON
JOHN J. DONOVAN
J. L. EASTON
W. M. FRIZELL
ED E. HARDIN
FRANKLIN F. HANDSCHY
A. PANCOAST
EDWARD T. MATHES
T. E. MONAHAN
CHARLES I. ROTH
E. M. WILSON
HENRY M. WHITE

Attest:

WM. H. HILDEBRAND, Secretary.

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BELLINGHAM, WASHINGTON.

(Whenever any ordinance granting or amending a franchise to construct, install, equip, operate and maintain any gas, electric light, water, telephone or telegraph system in the City of Bellingham shall have been introduced, the City Council may, and upon petition signed by electors of the city equal to 15 per cent. of the entire vote cast for all candidates for mayor at the last preceding municipal election at which a mayor was elected, shall submit such ordinance to the vote of the electors of the city, either at the next general municipal election, or at a special municipal election to be called for that purpose. If a majority of the qualified electors voting upon such ordinance shall vote in favor thereof, such ordinance shall take effect and be operative on the 10th day after the first regular meeting of the City Council after such election. If a majority of such electors shall vote against such ordinance the same shall be defeated, and it shall not be within the power of the City Council to grant such franchise within one year after such election.

The signature to petitions for the submission of any ordinance granting a franchise, need not be appended to a single document, but any number of similar petitions may be circulated, signed and filed, and shall be considered a single petition, and the aggregate number of signatures to such petitions shall be counted for the purpose of ascertaining whether the requisite number of electors have signed. Each signer shall add to his signature his place of residence, giving the street and number, and there shall be affixed to each petition an affidavit that each signature appended to such petition is the genuine signature of the person whose name purports to be thereunto subscribed. If any subscriber shall omit to add to his signature his residence he shall not be counted as a subscriber; and no petition shall

be filed which is not verified by affidavit as above prescribed.

No ordinance granting a franchise shall take effect until 30 days after its passage by the City Council, and no petitions for the submission of such ordinance to a vote of the people shall be filed after the expiration of such 30 days; but if any ordinance granting a franchise shall have been passed by the City Council and within 30 days thereafter petitions signed by the prescribed number of electors shall have been filed with the City Clerk, such ordinance shall remain inoperative until and unless it shall thereafter be adopted by the vote of a majority of the qualified electors voting upon such ordinance, as herein prescribed.

All petitions for the submission of any franchise ordinance to a vote of the electors, shall be filed with the City Clerk; and it shall be the duty of the city clerk to ascertain, from the books of registration and certify whether the requisite number of qualified electors have signed such petition or petitions, and the council may allow him extra help for such purpose. Such certificate shall be presented to the city council at its first regular meeting held after the expiration of the time for filing petitions. Provided if such meeting shall not be held within one week after the expiration of such time, then the first regular meeting of such council after the expiration of such week.

Whenever the City Council shall desire to submit any ordinance granting a franchise to a vote of the qualified electors, or whenever it shall appear from the clerk's certificate that the required number of electors have petitioned therefor, the city clerk shall forthwith make an estimate of the cost of holding a special election for the purpose of voting upon such ordinance, and shall thereupon transmit a copy of such estimate to the applicant for such franchise; and shall require such applicant to enter into a bond, with good and sufficient surety to be approved by the mayor in an amount equal to such estimated cost, with 50 per cent. additional, conditioned that such applicant will pay all costs of holding a special election to vote on such franchise ordinance. If the applicant shall, within 10 days, execute and file with the city clerk such bond, the city council shall, by resolution, at its next regular meeting after the filing of such bond, order a special election, fixing the time therefor, which shall not be less than 30, nor more than 60 days thereafter. Provided, that no special election shall have been held within six months prior to the time said ordinance would be so voted upon by the people, and in the event a special election shall have been held within six months prior to said time, then the special election called for the submission of said ordinance, shall be called for a date not less than 5 days after the expiration of six months from the last preceding special election. At least fifteen days' notice shall be given of the time, place and purpose of said election and such ordinance shall be published once, at least 15 days before such election.

The ballots used when voting upon such proposed ordinance shall contain a brief statement of the franchise to be voted upon; and shall contain the words "For the Ordinance," and, in a separate line, "Against the Ordinance," and the voter shall indicate his preference by placing a cross opposite such words, opposite "For the Ordinance," if he desires to vote for the passage thereof; and opposite "Against the Ordinance," if he desires to vote against the passage thereof.

Any number of ordinances granting franchises may be voted

for at the same election, in accordance with the provisions of this charter; Provided, that the expenses of such special elections shall be divided between the applicants for such franchises; and, provided further, not more than one special election for the purpose of voting upon franchise ordinance shall be held in any period of six months.

In the event that any applicant for a franchise shall refuse to file a bond to pay the expenses of a special election, no special election shall be ordered, but such franchise ordinance shall be submitted to the electors at the next general municipal election. Notice that such franchise ordinance will be so submitted to the electors at such general election, shall be published in the same manner as provided herein in case of a special election; and the ballots shall contain, in addition to the names of the candidates for office, a brief statement of the franchise to be voted upon, and the words, "For the Ordinance," and, in a separate line, "Against the Ordinance," and the preference of the voter shall be indicated as above provided. Before notice of such submission shall be published, however, the City Clerk shall ascertain the cost of publishing such notice and shall notify the applicant for such franchise of the amount thereof, and require such applicant to deposit such sum with the City Treasurer, and such notice shall not be published until such applicant shall have filed with the City Clerk the Treasurer's receipt for the sum so deposited. If the applicant for said franchise shall fail or refuse to so deposit such sum, said notice shall not be published, and said ordinance will be deemed withdrawn and the franchise therein to be granted, to have been declined by the grantee; and said party shall not be permitted to renew his application for such franchise for the period of one year.

The ballots cast at any election, whether general or special, shall be counted and the returns made and canvassed in the manner and method now provided by the charter of the City of Bellingham for general elections and the statement of such canvass shall be made out and signed by the Mayor of said city and filed with the City Clerk.)

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